LOCAL RULES OF PRACTICE

FOR THE

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

TABLE OF CONTENTS

LOCAL RULES OF PRACTICE
FOR THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

~~LOCAL RULES~~ PART IA – INTRODUCTION

LR IA 1-1. TITLE~~.~~

These are the Local Rules of Practice ~~(Rules)~~ for the United States District Court for the District of Nevada ~~(Court)~~. These ~~R~~rules are divided into the following parts: Part IA (Introduction); Part IB (United States Magistrate Judges); Part IC (Electronic Case Filing); Part II (Civil Practice); Part III (Patent Practice~~Bankruptcy~~); Part IV (Criminal Practice); and Part V (Rules Applicable in Special Proceedings and Appeals). The ~~R~~rules in Parts II~~, III,~~ and IV are numbered to correspond to their Federal Rules of Civil~~, Bankruptcy~~ or Criminal Procedure counterparts. The ~~R~~rules in Parts IA through II~~I~~ may be cited as "LR___~~;~~"; those in Part III, as "LPR___"; those in Part IV, as "LCR___~~;~~"; and ~~the Rules~~those in Part V, as "LSR___."

2016 Committee Note

LR IA 1-1 is amended as part of the general restyling of the rules to make them more easily understood and to make style and terminology consistent throughout the rules. The parenthetical references to "Rules" and "Court" are deleted. Given that the full name of the rules and the court have been stated, subsequent references to the court and the rules are lowercased. LR IA 1-1 also is amended to reference new Part IC (Electronic Case Filing). It is also amended to reference new Part III (Patent Practice). Part III formerly contained the bankruptcy rules, which are now in a separate volume available at www.nvb.uscourts.gov. The patent rules formerly were located in Part II (Civil Practice).

Style Updates

Guidance in drafting, usage, and style was based on Bryan A. Garner, *Guidelines for Drafting and Editing Court Rules*, Administrative Office of the United States Courts (5th ed. 2007) (available at www.uscourts.gov/rules-policies/records-and-archives-rules-committees/style-resources) and Bryan A. Garner, *Garner's Dictionary of Legal Usage* (3d ed. 2011).

In applying Garner's *Guidelines*, the Local Civil and Criminal Rules Committees sought to avoid ambiguities and inconsistencies in the rules. The committees further sought to improve the rules' clarity and brevity by eliminating unnecessary words, using the active voice whenever possible, and inserting structural divisions when necessary to improve readability. The committees removed words and concepts that are outdated and redundant. Finally, the committees sought to promote stylistic integration between the different rules and different parts, which were drafted by different people at different times.

One of the most significant stylistic revisions was the c~~C~~ommittees' decision to replace "shall" with another word of authority, when appropriate. As Garner explains, "shall" can bear five to eight senses including "must," "may," or something else, depending on the context. Bryan A. Garner, *Garner's Dictionary of Legal Usage*, 952 (3d ed. 2011). Currently, "shall" is used more than 500 times in the rules, but it does not bear the same meaning throughout. The restyled rules replace "shall" with "must," "may," "will," or some other expression, depending on the context and the established interpretation of the rule. This style change was not intended to make changes in substantive meaning.

LR IA 1-2~~2-1~~. SCOPE OF THE RULES; CONSTRUCTION~~.~~

These ~~R~~rules are intended to supplement and complement ~~shall be construed so as to be consistent with~~ the Federal Rules of Civil~~, Bankruptcy~~ and Criminal Procedure ~~they supplement~~. These rules must be applied, construed, and enforced to avoid inconsistency with other governing statutes and laws. ~~The provisions of~~ Parts IA, IB, and IC ~~and II~~ apply to all actions and proceedings, ~~including civil, criminal, bankruptcy and admiralty,~~ except where Parts IA, IB, and IC may be inconsistent with rules or other laws specifically applicable to those types of actions or proceedings. ~~they may be inconsistent with rules or provisions of law specifically applicable thereto. The provisions of Part IB apply to all actions and proceedings, excluding bankruptcy, except where they may be inconsistent with rules or provisions of law specifically applicable thereto.~~

Committee Note

LR IA 1-2 is renumbered as part of the reorganization of Part IA. It is further amended for clarity, brevity, and readability and to emphasize that the rules are meant to supplement and complement the Federal Rules. The final sentence is amended to clarify that Parts IA, IB, and IC apply to all actions and proceedings governed by these rules.

LR IA 1-3. DEFINITIONS

(a) Chief Judge. The Chief Judge of the United States District Court for the District of Nevada is the District Judge who has attained that position under 28 U.S.C. § 136. The current Chief Judge is identified on the court's website.

(b) Clerk or Clerk of Court. Unless otherwise clear from the context, "clerk" or "Clerk of Court" refers to the District Court Executive/Clerk of Court or a Deputy Clerk of Court.

(c) Court. Unless otherwise clear from the context, "court" refers to the United States District Court for the District of Nevada and to a judge, clerk, or deputy clerk acting on the court's behalf on a matter within the court's jurisdiction.

(d) General Order and Special Order. General and Special Orders are directives made by the Chief Judge or by the court relating to court administration and are available on the court's website.

(e) Judge. Unless otherwise clear from the context, "judge" refers to a United States District Judge, a United States Magistrate Judge, or a United States Bankruptcy Judge.

(f) Meet and Confer. Whenever used in these rules, to "meet and confer" means to communicate directly and discuss in good faith the issues required under the particular rule or court order. This requirement is reciprocal and applies to all participants. Unless these rules or a court order provide otherwise, this requirement may only be satisfied through direct dialogue and discussion in a face-to-face meeting, telephone conference, or video conference. The mere exchange of written, electronic, or voice--mail communications does not satisfy this requirement.

(1) The requirement to meet and confer face-to-face or via telephonic or video conference does not apply in the case of an incarcerated individual appearing pro se, in which case the meet-and-confer requirement may be satisfied through written communication.

(2) A party who files a motion to which the meet-and-confer requirement applies must submit a declaration detailing all meet-and-confer efforts, including the time, place, manner, and participants. The movant must certify that, despite a sincere effort to resolve or narrow the dispute during the meet-and-confer conference, the parties were unable to resolve the dispute without court intervention.

(3) In addition to any sanction available under the Federal Rules of Civil Procedure, statutes, or case law, the court may impose appropriate sanctions under LR IA 11-8 for a party's failure to comply with the meet-and-confer requirement.

(4) Failure to make a good-faith effort to meet and confer before filing any motion to which the requirement applies may result in denial of the motion.

Committee Note

LR IA 1-3 is a new rule that creates and defines various terms of art that are used throughout the rules. Significantly, this rule clarifies the "meet and confer" standard. A meet-and-confer conference is more effective if the parties engage in direct simultaneous communication. To promote efficiency and convenience of the parties, the meet-and-confer conference may be held in person, by telephone, or by video conference.

LR IA 1-43-1. SUSPENSION OR WAIVER OF THESE RULES.

The Ccourt may sua sponte or on motion change, dispense with, or waive any of these Rrules if the interests of justice so require.

Committee Note

LR IA 1-4 is amended as part of the general restyling of the rules and is renumbered as part of the reorganization of Part IA. Former LR IA 4-1 (Sanctions) is renumbered as LR IA 11-8 as part of the reorganization of Part IA.

~~**LR IA 4-1. SANCTIONS.**~~

~~The Court may, after notice and opportunity to be heard, impose any and all appropriate sanctions on an attorney or party appearing in pro se who, without just cause:~~

~~(a) Fails to appear when required for pretrial conference, argument on motion, or trial;~~

~~(b) Fails to prepare for a presentation to the Court;~~

~~(c) Fails to comply with these Rules; or,~~

~~(d) Fails to comply with any order of this Court~~

LR IA 1-55-1. EFFECTIVE DATE.

These Rrules, as amended, ~~shall~~ take effect on ~~August 1, 2011~~[to be determined], and govern all proceedings in actions pending on or after that date.

Committee Note

LR IA 1-5 is amended as part of the general restyling of the rules and is renumbered as part of the reorganization of Part IA.

LR IA 1-66-1. COURT STRUCTURE AND; DIVISIONS OF THE DISTRICT OF NEVADA.

The State of Nevada constitutes one judicial district. The district has two unofficial divisions:

Southern Division: Clark, Esmeralda, Lincoln and Nye Ccounties.

Northern Division: Carson City, Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe and White Pine Ccounties.

Committee Note

LR IA 1-6 is amended as part of the general restyling of the rules and is renumbered as part of the reorganization of Part IA.

LR IA 1-7~~7 1~~.OFFICES OF THE CLERK~~.~~

The ~~C~~Clerk of ~~the C~~Court ~~(Clerk)~~ maintains offices ~~at~~in Las Vegas ~~for the Southern Division of the Court~~ and ~~at~~ Reno ~~for the Northern Division of the Court~~. The ~~C~~clerk's offices are open to the public from 9:00 a.m. until 4:00 p.m., Monday through Friday, legal holidays excepted. In an emergency, the clerk may transact public business at other times. The ~~C~~clerk may institute administrative procedures for filing pleadings and papers~~., and in an emergency shall, on request, transact public business at other times.~~ The clerk's offices are located at:

Unofficial Southern Division:
United States District Court
333 Las Vegas Boulevard South
Room 1334
Las Vegas, NV 89101

Unofficial Northern Division:
United States District Court
400 South Virginia
Suite 301
Reno, NV 89501

Committee Note

LR IA 1-7 is amended as part of the general restyling of the rules and is renumbered as part of the reorganization of Part IA. The parenthetical reference to the clerk is deleted as this is now a defined term in LR IA 1-3. The rule is reorganized to group together sentences regarding the clerk's offices' opening hours. The addresses of the clerk's offices, which are referenced in various later rules, are added. Finally, the language regarding transacting public business in an emergency is amended in conformance with Fed. R. Civ. P. 77.

LR IA 1-8~~8 1~~. PLACE OF FILING~~.~~

(a) ~~Civil actions shall be filed in the Clerk's office for the division of the Court in which the action allegedly arose. However, i~~In civil ~~rights~~ actions filed by inmates proceeding ~~in~~ pro se, the action must~~shall~~ be filed in the unofficial division of the court in which the inmate is held when the complaint or petition is submitted for filing. ~~or, i~~If the inmate is not held in this ~~D~~district, then the action must be filed in the unofficial division of the court in which the events giving rise to a cause of action are alleged to have occurred. All other civil actions must be filed in the clerk's office for the unofficial division of the court in which the action allegedly arose.

(b) In criminal cases where the alleged offense was committed in more than one division, the government may file the indictment or information in~~elect~~ either division ~~for filing the indictment or information~~.

(c) All filings must be made and proceedings had in the division of the ~~C~~court in which the case was originally filed, except that~~. But T~~the presiding judge~~Court~~ may~~, in its discretion,~~ direct that proceedings or trial take place in the division other than the division where filed. ~~Unless otherwise ordered, however, all filings shall be made and proceedings had in the division of the Court in which the case was originally filed.~~

Committee Note

LR IA 1-8 is amended as part of the general restyling of the rules and is renumbered as part of the reorganization of Part IA. Subsection (a) is amended for clarity, brevity, and readability. Additionally, the word "rights" is deleted to clarify the place of filing for all civil actions filed by inmates, not just civil rights actions filed by inmates. The word "petition" is added to encompass habeas corpus and mandamus actions. Subsection (b) is revised to use the active voice. Subsection (c) is reorganized to put the general rule before the exception.

LR IA 2-19-1. INSPECTION, CONDUCT IN COURTROOM AND ENVIRONS, AND FORFEITURE.

(a) All persons entering any United States federal building and courthouse in this Ddistrict and all items carried by thesesuch persons shall beare subject to appropriate screening and checking by any United States Marshal or security officer of the General Services Administration. Entrance to the United States federal building and courthouse will be denied to any person who refuses to cooperate in thissuch screening or checking.

(b) All wireless communication devices mustshall be turned off while in any United States courtroom or hearing room in this Ddistrict, unless the presiding judge authorizes otherwise. Wireless communication devices may be used in a United States courtroom or hearing room in this District with the express permission of the judge presiding in that courtroom or hearing room.

Wireless communication devices are electronic devices that are capable of either sending or receiving data such as sounds, text messages, or images, including,. Such devices shall include, but are not limited to, mobile phones, laptop computers, and tablets.personal digital assistants (PDAs).

(c) Cameras and, recording, reproducing, orand transmitting equipment that, which are not part of a wireless communication device as defined in (b) above, are prohibited in all United States courthouses in this Ddistrict unless otherwise authorized. Cameras, recording, reproducing and transmitting equipment, which are part of a wireless communication device, shall and may not be used in any courtroom or hearing room without the express approval of the presiding judge or officer. Failure to abide by this Rrule may result in the forfeiture of theseany such devices.

(d) Unless provided by special court order of the Court, no person mayshall carry or possess firearms or deadly weapons in any United States courthouse in this Ddistrict without the express approval of the presiding judge. The United States Marshal, any deputy marshal, and officers of the Federal Protective Service areshall be exempt from this provision.

(e) The court may permit Video and audio recording, transmitting, and broadcasting of federal court proceedings conducted in open Ccourt is permissible, if it is authorized by the presiding judge and is in compliancecomplies with applicable

statutes, procedural rules, and Judicial Conference and Ninth Circuit Rules and guidelines.

Committee Note

LR IA 2-1 is amended as part of the general restyling of the rules and is renumbered as part of the reorganization of Part IA.

LR IA 3-1. CHANGE OF CONTACT INFORMATION

An attorney or pro se party must immediately file with the court written notification of any change of mailing address, email address, telephone number, or facsimile number. The notification must include proof of service on each opposing party or the party's attorney. Failure to comply with this rule may result in the dismissal of the action, entry of default judgment, or other sanctions as deemed appropriate by the court.

Committee Note

LR IA 3-1 is a new rule applicable to all cases requiring attorneys and parties to file and serve notices of change of contact information. *See also* LSR 2-2.

LR IA 6-1. REQUESTS FOR CONTINUANCE, EXTENSION OF TIME, OR ORDER SHORTENING TIME.

~~(a) Every motion requesting a continuance, extension of time, or order shortening time shall be "Filed" by the Clerk and processed as an expedited matter. Ex parte motions and stipulations shall be governed by LR 6-2.~~

(a~~b~~) A~~Every~~ motion or stipulation to extend time must~~shall~~ state the reasons for the extension requested and must inform the ~~C~~court of all ~~any~~ previous extensions of the subject deadline the court granted ~~and state the reasons for the extension requested~~. (Examples: "This is the first stipulation for extension of time to file motions." "This is the third motion to extend time to take discovery.") A request made after the expiration of the specified period will~~shall~~ not be granted unless the ~~moving party, attorney, or other person~~movant or attorney demonstrates that the failure to file the motion before the deadline expired~~act~~ was the result of excusable neglect. Immediately below the title of the~~such~~ motion or stipulation there ~~shall~~ also must be ~~included~~ a statement indicating whether it is the first, second, third, etc., requested extension, i.e.:

STIPULATION TO EXTEND ~~FOR EXTENSION OF~~ TIME TO FILE MOTIONS
(First Request)

(b~~c~~) The ~~C~~court may set aside any extension obtained in contravention of this ~~R~~rule.

(c~~d~~) A stipulation or motion seeking to extend the time to file an opposition or ~~final~~ reply to a motion, or to extend the time fixed for hearing a motion, must state in its opening paragraph the filing date of the motion.

(d) Motions to shorten time will be granted only upon an attorney or party's declaration describing the circumstances claimed to constitute good cause to justify shortening of time. The moving party must advise the courtroom

administrator for the assigned judge that a motion for an order shortening time was filed.

Committee Note

LR IA 6-1 formerly appeared in the Local Civil Rules as LR 6-1 and in the Local Criminal Rules as LCR 45-1. For brevity, the rule was deleted from the Local Civil Rules and Local Criminal Rules and moved to Part IA, which applies to all cases. Besides the renumbering, LR IA 6-1 is amended in three ways. First, former subsection (a) is deleted because it is obsolete in light of electronic filing. Second, by replacing the word "any" with "all," subsection (a) clarifies that a party must list all previous extensions granted of the subject deadline. The rule is further amended to add two examples for the sake of clarity. Second, new subsection (d) is added to create standards and procedures for motions for orders shortening time. Subsection (d) directs the party to contact the courtroom administrator rather than chambers to avoid ex parte communications with chambers.

LR IA 6-2. REQUIRED FORM OF ORDER FOR STIPULATIONS AND EX PARTE AND UNOPPOSED MOTIONS.

~~(a) Any stipulations, *ex parte* or unopposed motions requesting a continuance, extension of time, or order shortening time, and any other stipulation requiring an order shall not initially be "Filed" by the Clerk, but shall be marked "Received." Every such~~

A stipulation or ex parte or unopposed motion must~~shall~~ include an "o~~O~~rder" in the form of a signature block on which the ~~C~~court or ~~C~~clerk can endorse approval of the relief sought. This signature block must~~shall~~ not begin on a separate page; it~~, but~~ must~~shall~~ appear approximately ~~one inch (~~1 inch~~")~~ below the last typewritten matter on the right-hand side of the last page of the stipulation or ex parte or unopposed motion, and it must~~shall~~ read as follows:

"IT IS SO ORDERED:

[UNITED STATES DISTRICT JUDGE,
UNITED STATES MAGISTRATE JUDGE,
UNITED STATES DISTRICT COURT CLERK (whichever is appropriate)]

~~(whichever is appropriate)~~

DATED: _____"

~~(b) Upon approval, amendment or denial, the stipulation or ex parte or unopposed motion shall be filed and processed by the Clerk in such manner as may be necessary.~~

Committee Note

LR IA 6-2 formerly appeared in the Local Civil Rules as LR 6-2 and in the Local Criminal Rules as LCR 45-3. For brevity, the rule was deleted from the Local Civil Rules and

Local Criminal Rules and moved to Part IA, which applies to all cases. Besides the renumbering, LR IA 6-2 is amended to delete the first sentence of subsection (a) and all of subsection (b), which are obsolete in light of the court's electronic filing system.

LR IA 7-1. CASE-RELATED CORRESPONDENCE

(a) An attorney or pro se party may send a letter to the court at the expiration of 90 days after any matter has been, or should have been, fully briefed if the court has not entered its written ruling. If this letter was sent and a written ruling still has not been entered 120 days after the matter was or should have been fully briefed, an attorney or pro se party may send a letter to the Chief Judge, who must inquire of the judge about the status of the matter. Copies of all such letters must be served on all other attorneys and pro se parties.

(b) Except as provided in subsection (a), an attorney or pro se party must not send case-related correspondence, such as letters, emails, or facsimiles, to the court. All communications with the court must be styled as a motion, stipulation, or notice, and must be filed in the court's docket and served on all other attorneys and pro se parties. The court may strike any case-related correspondence filed in the court's docket that is not styled as a motion, stipulation, or notice.

Committee Note

LR IA 7-1 is a new rule. Subsection (a) is based on provisions that formerly were included in LR 7-6 and LCR 47-3(b), both of which dealt with ex parte communications. The purpose of this amendment is to avoid confusion because letters inquiring about case status technically are not ex parte communications. Additionally, the 60 day period was changed to 90 days to reflect the court's current caseload. Subsection (b) requires parties to file all case-related correspondence. The purpose is to discourage parties from mailing, emailing, hand-delivering, and faxing letters to chambers.

LR IA 7-2~~6~~. EX PARTE COMMUNICATIONS~~.~~

(a) Ex Parte Defined. An ex parte motion or application is a motion or application that is filed with the court but is not served on the opposing or other parties.

(b~~a~~) Neither party nor an attorney~~counsel~~ for any party may~~shall~~ make an ex parte communication with the ~~C~~court except as specifically permitted by these ~~R~~rules or the Federal Rules of Civil Procedure.

~~(b) Any unrepresented party or counsel may send a letter to the Court at the expiration of sixty (60) days after any matter has been, or should have been, fully briefed if the Court has not entered its written ruling. If such a letter has been sent and a written ruling still has not been entered one hundred twenty (120) days after the matter has been or should have been fully briefed, any unrepresented party or counsel may send a letter to the Chief Judge, who shall inquire of the judge about the status of the matter.~~

~~Copies of all such letters must be served upon all other counsel and unrepresented parties.~~

Committee Note

LR IA 7-2 formerly appeared in the Local Civil Rules as LR 7-6 and in the Local Criminal Rules as LCR 47-2 and LCR 47-3. For brevity, these rules were deleted from the Local Civil Rules and Local Criminal Rules and moved to Part IA, which applies to all cases. Besides the renumbering, LR IA 7-2 is changed in several ways. Subsection (a) defines an ex parte communication. Subsection (b) is amended to reference the Federal Rules of Civil Procedure to make clear this rule is intended to be consistent with Fed. R. Civ. P. 65 (Injunctions and Restraining Orders). Former subsection (b) is moved to LR IA 7-1 (Case-Related Correspondence).

LR IA 7-3. CITATIONS OF AUTHORITY~~.~~

(a) References to an act of Congress must~~shall~~ include the United States Code citation, if available. References to federal regulations must include~~When a federal regulation is cited,~~ the Code of Federal Regulations' title, section, page, and year ~~shall be given~~.

(b) When a Supreme Court decision is cited, only the citation to the United States Reports must~~shall~~ be given. When a decision of a court of appeals, a district court, or other federal court has been reported in the Federal Reporter System, that citation must~~shall~~ be given. When a decision of a state appellate court has been reported in the West's National Reporter System, that citation must~~shall~~ be given. All citations must~~shall~~ include the specific page(s) ~~up~~on which the pertinent language appears.

(c) Electronically filed documents may contain hyperlinks to other portions of the same document and to a location on the Internet that contains a source document for a citation.

(1) Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document. The submitting party is responsible for the availability and functionality of any hyperlink.

(2) Neither a hyperlink nor any site to which it refers~~,~~ will~~shall~~ be considered part of the official record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document. If a party wishes to make any hyperlinked material part of the record, the party must attach the material as an exhibit.

(3) The ~~C~~court neither endorses nor accepts responsibility for any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked.

(d) References to documents filed in the court's electronic filing system must include the document number assigned by the court as follows: ECF No. 123 or the Bluebook-approved citation format.

(e) A decision by one judge in this district is not binding on any other district judge (unless the doctrines of law of the case, res judicata, or collateral estoppel otherwise apply) and does not constitute the rule of law in this district.

Committee Note

LR IA 7-3 formerly appeared in the Local Civil Rules as LR 7-3 and in the Local Criminal Rules as LCR 47-8. For brevity, these rules were deleted from the Local Civil Rules and Local Criminal Rules and moved to Part IA, which applies to all cases. LR IA 7-3 is amended as part of the general restyling of the rules. Subsection (d) is a new rule requiring parties to cite the document number of documents filed in the court's electronic filing system. Subsection (e) is added to reiterate what the Supreme Court noted in *Camreta v. Greene*, 563 U.S. 692, 131 S. Ct. 2020, 2033 n.7 (2011) (quoting 18 J. Moore et al., Moore's Federal Practice § 134.02[1][d], p. 134-26 (3d ed. 2011)): "A decision of a federal district court judge is not binding precedent in either a different judicial district, the same judicial district, or even upon the same judge in a different case."

LR IA 10-1. FORM OF PAPERS GENERALLY.

(a) All filed documents must comply with the following requirements:

(1) Except for exhibits, quotations, the caption, the court title, and the name of the case, lines of typewritten text must be double-spaced with no more than 28 lines per page;

(2) Handwriting must be legible and on only one side of each page;

(3) Text must be size 12 font or larger;

(4) Quotations longer than 50 words must be indented and single spaced;

(5) All pages must be numbered consecutively; and

(6) Margins must be at least one inch on all four sides.

(b) Documents filed electronically must be filed in a searchable Portable Document Format (PDF), except that exhibits and attachments to a filed document that cannot be imaged in a searchable format may be scanned.

(c) Documents filed manually must ~~Papers presented for filing shall~~ be flat, unfolded, firmly bound together at the top, ~~pre-punched with two (2) holes, centered two-and-three-quarters inches (2 ¾ “) apart and one-half inch (½”) to five-eighths inch (⅝”) from the top edge of the paper,~~ and on ~~eight-and-one-half by eleven inches (~~8 ½” x~~X~~ 11”~~)~~ paper. ~~Except for exhibits, quotations, the caption, the title of the Court, and the name of the case, lines of typewritten text shall be double-spaced, and except for the title page, shall begin at least one- and one-half inches (1½”) from the top of the page. All handwriting shall be legible, and all typewriting shall be a size which is either not more than ten (10) characters per linear inch or not less than twelve (12) points for proportional spaced fonts or equivalent. All quotations longer than one (1) sentence shall be indented. All pages of each pleading or other paper filed with the Court (exclusive of exhibits) shall be numbered consecutively.~~

(d) The court may strike any document that does not conform to an applicable provision of these rules or any Federal Rule of Civil or Criminal Procedure.

Committee Note

LR IA 10-1 formerly appeared in the Local Civil Rules as LR 10-1 and in the Local Criminal Rules as LCR 47-5. For brevity, these rules were deleted from the Local Civil Rules and Local Criminal Rules, combined, and moved to Part IA, which applies to all cases. LR IA 10-1 is amended as part of the general restyling of the rules and to add structural divisions for clarity, brevity, and readability. There are various updates regarding the required form of

documents, the most significant of which appears in subsection (b), which requires documents filed electronically to be in a searchable PDF format.

LR IA 10-2. REQUIRED FORMAT FOR FILED DOCUMENTS

The first page of every document presented for filing must contain the following information in this format, with the attorney or pro se party~~court~~'s name beginning at least one inch below the top of the page:

[*If the party is represented by counsel:*]
Attorney's name
Attorney's Nevada State Bar number
Attorney's address
Attorney's phone number
Attorney's email address
Name of party/parties attorney represents

[*or, if appearing pro se:*]
Pro se party's name
Pro se party's address
Pro se party's phone number
Pro se party's email address (if any)

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Name(s) of plaintiff(s), Plaintiff(s) v. Name(s) of defendant(s), Defendant(s)	Case Number [*Example*: 2:05-CV-115-HDM-RAM**]** Document Title [*Example: Defendant Richard Roe's Motion in Limine to Exclude Expert Testimony*]

Committee Note

LR IA 10-2 formerly appeared in the Local Civil Rules as LR 10-2 and in the Local Criminal Rules as LCR 47-6. For brevity, these rules were deleted from the Local Civil Rules and Local Criminal Rules, combined, and moved to Part IA, which applies to all cases. The amendments to this rule are for clarity, brevity, and readability.

LR IA 10-3. EXHIBITS.

All filed documents with exhibits or attachments must comply with the following requirements:

(a) Except for citations to authority or to documents that are part of the court record in the action, filed documents should make reference only to documents filed as exhibits or attachments to a document on file with the court; ~~Exhibits attached to documents filed with or submitted to the Court in paper form shall be tabbed with an exhibit number or letter at the bottom or side of the document. Exhibits need not be typewritten and may be copies, but must be clearly legible and not unnecessarily voluminous.~~

(b) Copies of pleadings or other documents filed in the pending matter, cases, statutes, or other legal authority must not be attached as exhibits or made part of an appendix;

(c) Exhibits and attachments must be paginated, and page numbers must be referenced when an exhibit or attachment is cited;

(d) An index of exhibits must be provided;

(e) A cover sheet referencing the exhibit or attachment by number or letter must be the first page of each exhibit or attachment and must include a descriptor of the exhibit or attachment (e.g., ~~, such as~~ "Exhibit 1 – Deed of Trust," not simply "Exhibit 1");

(f) Oversized exhibits must be reduced to 8 ½ by 11 inches~~" x 11" inches~~, unless the reduction would destroy legibility or authenticity. An oversized exhibit that cannot be reduced must be filed separately with a captioned cover sheet identifying the exhibit and the document(s) to which it relates;

(g) Exhibits filed electronically must comply with LR IC 2-2(a)(3);

(h) Exhibits need not be typewritten and may be copies, but they must be clearly legible and not unnecessarily voluminous;

(i) No more than 100 pages of exhibits may be attached to documents filed or submitted to the c~~C~~ourt in paper form. Except as otherwise ordered by the assigned judge, ~~E~~exhibits in excess of 100 pages must~~shall~~ be submitted in a separately bound appendix. If~~Where~~ an appendix exceeds 250 pages, the exhibits must~~shall~~ be filed in multiple volumes, with each volume containing no more than 250 pages. The appendix must~~shall~~ be bound on the left and must include a table of contents identifying each exhibit and, if applicable, the volume number. Each exhibit must be tabbed. *See* LR IC 2-2(g).

Committee Note

LR IA 10-3 formerly appeared in the Local Civil Rules as LR 10-3 and in the Local Criminal Rules as LCR 47-10. For brevity, these rules were deleted from the Local Civil Rules and Local Criminal Rules, combined, and moved to Part IA, which applies to all cases. Subsection (b) is amended to require that pleadings and filed documents in the pending case must not be attached as exhibits. Subsections (c) and (d) are new rules requiring that exhibits be paginated and that an index of exhibits be provided. Subsection (e) is~~n~~ a new rule which requires an exhibit cover sheet to include a descriptor of the exhibit. Subsection (i) is amended to clarify that not all judges require paper copies of filed exhibits, and to require paper-form exhibits to be tabbed. Attorneys and parties should refer to individual judge's chambers procedures, available on the court's website. Additionally, the rule is amended as part of the general restyling of the rules.

LR IA 10-4. IN CAMERA SUBMISSIONS

Papers submitted for in camera inspection must ~~shall~~ not be filed with the court, but must~~shall~~ be delivered to chambers of the appropriate judge.~~,~~ Papers submitted for in camera inspection~~and~~ must~~shall~~ include a captioned cover sheet complying with LR IA 10-2 that indicates the document is being submitted in camera and must~~shall~~ be accompanied by an envelope large enough for the in camera papers to be sealed in without being folded. A notice of in camera submission must~~shall~~ be filed.

Committee Note

LR IA 10-4 formerly appeared in the Local Civil Rules as part of LR 10-5 (In Camera Submissions and Sealed Documents) and in the Local Criminal Rules as part of LCR 47-4 (In Camera Submissions and Sealing of Documents). For brevity and clarity, these rules were deleted from the Local Civil Rules and Local Criminal Rules, moved to part IA, which applies to all cases, and divided into separate rules for in camera submissions and sealed documents. Additionally, the rule is amended as part of the general restyling of the rules.

LR IA 10-5. SEALED DOCUMENTS

(a) Unless otherwise permitted by statute, rule, or prior court order, papers filed with the court under seal must ~~shall~~ be accompanied by a motion for leave to file those documents under seal.~~, and mustshall be filed under Part IC of these rulesin accordance with the Court's electronic filing procedures.~~ If papers are filed under seal ~~pursuant to~~under prior court order, the papers must state ~~shall bear the following notation~~ on the first page, directly under the case number: "FILED UNDER SEAL UNDER ~~PURSUANT TO~~ COURT ORDER~~-~~ (ECF No. ~~123)DATED~~ _____." All papers filed under seal will remain sealed until ~~such time as~~ the court ~~may deny~~ either denies the motion to seal or enters an order unsealing them.

(b) The court may direct the unsealing of papers filed under seal, with or without redactions, ~~within the Court's discretion,~~ after notice to all parties and an opportunity ~~for them~~ to be heard.

(c) An attorney or pro se party who files a document under seal must include with the document either (i) a certificate of service certifying that the sealed document was served on the opposing attorneys or pro se parties, or (ii) an affidavit showing good cause why the document has not been served on the opposing attorneys or pro se parties.

(d) Documents filed under seal in a civil case must be served in accordance with LR IC 4-1(c).

Committee Note

LR IA 10-5 formerly appeared in the Local Civil Rules as part of LR 10-5 (In Camera Submissions and Sealed Documents) and in the Local Criminal Rules as part of LCR 47-4 (In Camera Submissions and Sealing of Documents). For brevity and clarity, these rules were deleted from the Local Civil Rules and Local Criminal Rules, moved to part IA, which applies to all cases, and divided into separate rules for in camera submissions and sealed documents. Subsection (d) is a new rule that makes clear the procedure for serving documents filed under seal in a civil case. The remaining amendments are made as part of the general restyling of the rules.

LR IA 1~~0~~-1. ADMISSION TO THE BAR OF THIS COURT; ELIGIBILITY AND PROCEDURE~~.~~

(a) Practice of Attorneys Admitted in Nevada and Maintaining Nevada Offices.

(1) ~~In order to practice before the District or Bankruptcy Court, an attorney must be admitted to practice under the following provisions.~~ An attorney who is~~has been~~ admitted to practice before the Supreme Court of Nevada~~,~~ and ~~who is~~ of good moral and professional character~~, is eligible~~ may apply for admission to the ~~B~~bar of this ~~C~~court. Admission to practice before the Supreme Court of Nevada, in good standing, is a continuing condition of admission to the ~~B~~bar of this court.

(2) To apply, an applicant must:

(A) Submit a motion by a~~A~~ member of the ~~B~~bar of this ~~C~~court on the form provided by the ~~C~~clerk~~shall~~ certifying~~y~~ ~~in a written motion on a form provided by the Clerk~~ that the applicant~~petitioner~~ is a member of the State Bar of Nevada and of good moral and professional character;~~.~~

(B~~3~~) ~~The applicant shall s~~Subscribe to the roll of attorneys and pay the ~~C~~clerk the admission fee fixed by the Judicial Conference of the United States, plus any~~such~~ additional amounts as the ~~C~~court may~~shall~~ fix from time to time; and~~.~~

(C~~4~~) ~~The applicant must t~~Take the following oath or affirmation after which the ~~C~~clerk must~~shall~~ issue a certificate of admission to the applicant:

"I, _____, do solemnly swear (or affirm) that as an attorney and as a counselor of this court I will conduct myself uprightly and according to law, and that I will support the Constitution of the United States."
~~"I solemnly swear (or affirm) that I will support the Constitution of the United States; that I will bear true faith and allegiance to the Government of the United States; that I will maintain the respect due to the Courts of Justice and Judicial Officers, and that I will conduct myself as an attorney and counselor of this Court uprightly, so help me God."~~

(b) Practice of Attorneys Admitted in Nevada, but not Maintaining Nevada Offices.

(1) Application of Rule. This ~~R~~rule applies to an attorney who is admitted to practice in Nevada~~,~~ but who does not maintain an office in Nevada. A post office box or mail~~--~~drop location does~~shall~~ not constitute an office under this ~~R~~rule.

(2) Association or ~~d~~Designation for ~~s~~Service. Upon filing any pleadings or other papers in this ~~C~~court, an attorney who is subject to this ~~R~~rule must~~shall~~ either (i) associate a licensed Nevada attorney maintaining an office in Nevada or (ii) designate a licensed Nevada attorney maintaining an office in Nevada for service of ~~, upon whom all~~ papers, process, or pleadings required to be served ~~up~~on the attorney~~, may be so served,~~ including service by hand ~~-~~delivery or facsimile transmission. An attorney who is admitted in Nevada but does not maintain a Nevada office as identified in subsection (b)(1) must, upon initial appearance, file a notice that (i) informs the court the attorney is appearing under subsection (b)(1)~~,~~ and (ii) identifies the name and contact information of the associated or designated Nevada attorney. The name and office address of the associated or designated attorney must~~shall~~ be endorsed ~~up~~on the pleadings or papers filed in this court ~~the Courts of this State~~, and service ~~up~~on the associated or designated Nevada attorney will~~shall~~ be deemed to be service~~ed~~~~serviced~~ ~~up~~on the out-of-state attorney ~~filing the pleading or other paper~~.

Committee Note

LR IA 11-1 is amended as part of the general restyling of the rules and is renumbered as part of the reorganization of Part IA. The first sentence of subsection (a)(1) is deleted because it is redundant. Subsection (a)(1) is amended to emphasize that membership in the State Bar of Nevada, in good standing, is a continuing condition of admission to the ~~B~~bar of this court. Subsection (a)(2)(C) is amended to include the updated oath on admission provided on form AO 153. Subsection (b)(2) adds the requirement that attorneys who do not maintain an office in Nevada must file a notice informing the court of the name and contact information of an associated or designated Nevada attorney who maintains an office in Nevada.

LR IA 1~~0~~1-2. ADMISSION TO PRACTICE IN A PARTICULAR CASE~~.~~

(a) An attorney ~~who is not a member of the Bar of this Court,~~ who has been retained or appointed to appear in a particular case~~,~~ but is not a member of the ~~B~~bar of this court~~,~~ may appear~~do so~~ only with the court's permission~~. of this Court.~~ Application~~s~~ must ~~for such permission shall~~ be by verified petition on the form furnished by the ~~C~~clerk. The attorney may submit the verified petition only if the following conditions are met:

(1) The attorney is not a member of the State Bar of Nevada;

(2) The attorney is not a resident of the State of Nevada;

(3) The attorney is not regularly employed in the State of Nevada;

(4) The attorney is a member in good standing and eligible to practice before the bar of another~~y~~ jurisdiction of the United States; and~~,~~

(5) The attorney associates an active member in good standing of the State Bar of Nevada as ~~counsel~~ attorney of record in the action or proceeding.

(b) ~~The verified petition required by the Rule shall be on a form furnished by the Clerk.~~ The verified petition must~~shall~~ be accompanied by the admission fee set by the ~~C~~court. The petition must~~shall~~ state:

(1) The attorney's office address;

(2) The court or courts to which the attorney has been admitted to practice and the date of ~~such~~ admission;

(3) That the attorney is a member in good standing of the~~such~~ court or courts, along with an attached certification that the applicant's membership is in good standing~~certificate~~ from the state bar or from the clerk of the supreme court or highest admitting court of every~~each~~ state, territory, or insular possession of the United States in which the applicant has been

admitted to practice law; ~~certifying the applicant's membership is in good standing;~~

(4) That the attorney is not currently suspended or disbarred in any court;

(5) Whether the attorney is currently subject to any disciplinary proceedings by any organization with authority to discipline attorneys at law;

(6) Whether the attorney has ever received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law;

(7) The title and case number of any matter, including arbitrations, mediations, or matters before an administrative agency or governmental body, in which the attorney has filed an application to appear as counsel under this ~~R~~rule in the ~~preceding~~ last ~~three (~~3~~)~~ years, the date of each application, and whether it was granted;

(8) That the attorney certifies that he or she will~~shall~~ be subject to the jurisdiction of the courts and disciplinary boards of this State with respect to the law of this State governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; and~~,~~

(9) That the attorney understands and will ~~shall~~ comply with the standards of professional conduct of the State of Nevada and all other standards of professional conduct required of members of the ~~B~~bar of this ~~C~~court.

(c) An attorney whose verified petition is pending ~~shall~~ must not take ~~no~~ action in this case beyond filing the first pleading or motion. The first pleading or motion must~~shall~~ state ~~that~~ the attorney "has complied with LR IA 11-2~~10-2~~" or "will comply with LR IA 11-2~~10-2~~ within ___ days." Until permission is granted, the ~~C~~clerk must~~shall~~ not issue summons or other writ.

(d) Unless ~~otherwise ordered by~~ the ~~C~~court orders otherwise, an~~y~~ attorney who is granted permission to practice under ~~pursuant to~~ this ~~R~~rule must~~shall~~ associate a resident member of the b~~B~~ar of this ~~C~~court as co-counsel. The attorneys must~~shall~~ confirm the association by filing a completed designation of resident counsel on the form provided by the ~~C~~clerk. The resident attorney must have authority to sign binding stipulations. The time for performing any act under these ~~R~~rules or the Federal Rules of Civil, Criminal, and Bankruptcy Procedure ~~shall~~ runs from the date of service on the resident attorney. Unless ~~otherwise ordered by~~ the ~~C~~court orders otherwise, the~~such~~ resident attorney need not personally attend all proceedings in ~~C~~court.

(e) In civil cases, an attorney~~s~~ must comply with all provisions of this rule within ~~shall have forty-five (~~45~~)~~ days of~~after~~ ~~their~~his or her first appearance. ~~to comply with all the provisions of this Rule.~~

(f) In criminal cases, an attorney~~s~~ must comply with all provisions of this rule within ~~have fourteen (~~14~~)~~ days of~~after~~ ~~their~~his or her first appearance. ~~to comply with all the provisions of this Rule.~~ In addition, the defendant(s) must~~shall~~ execute designation(s) of retained counsel~~, which shall also~~ bearing the signature of both the attorney appearing pro hac vice and the associated resident attorney. The~~Such~~ designation(s) must~~shall~~ be filed and served within the same ~~fourteen (~~14~~).~~ day period.

(g) In bankruptcy cases, an attorney~~s~~ must comply with all provisions of this rule within~~shall have fourteen (~~14~~)~~ days of ~~after their~~his or her first appearance. ~~to comply with all of the provisions of this Rule.~~

(h) The court may grant or deny a petition to practice under this rule.~~The granting or denial of a petition to practice under this Rule is discretionary.~~ The ~~C~~court may revoke the authority of the attorney ~~person~~ permitted to appear ~~as counsel~~ under this ~~R~~rule. ~~to make continued appearances under this Rule.~~ Absent special circumstances and a showing of good cause, repeated appearances by any attorney under this ~~R~~rule will~~shall~~ be cause for denial of the attorney's verified petition. ~~of such attorney.~~

(1) It is presumed in civil and criminal cases~~, absent special circumstances, and only upon showing of good cause,~~ that more than ~~five (~~5~~)~~ appearances by any attorney granted under this ~~R~~rule in a ~~three (~~3~~).~~ year period is excessive use of this ~~R~~rule. It is presumed in bankruptcy cases~~, absent special circumstances, and only upon showing of good cause,~~ that more than 2 documents filed or more than 10 proof of claims filed on behalf of creditor(s)~~ten (10) appearances~~ by any attorney ~~granted~~ under this ~~R~~rule in a ~~one (~~1~~).~~ year period is excessive use of this ~~R~~rule.

(2) The attorney has~~shall have~~ the burden to establish special circumstances and good cause for an appearance in excess of limitations set forth in subsection (h)(1) of this ~~R~~rule. The attorney must~~shall~~ set forth the special circumstances and good cause in an affidavit attached to the original verified petition.

~~(i) The petitioner shall attach to the verified petition a certified list of the prior appearances of petitioner in this District.~~

(i~~j~~) When all the provisions of this ~~R~~rule are satisfied, the ~~C~~court may enter an order approving the verified petition for permission to practice in the particular case. This~~Such~~ permission is limited to the particular case. The clerk must not issue a certificate to practice. ~~and no certificate shall be issued by the Clerk.~~

(j~~k~~) Failure to comply timely with this ~~R~~rule may result in the striking of any and all documents previously filed by the~~such~~ attorney, the imposition of other sanctions, or both.

Committee Note

LR IA 11-2 is amended as part of the general restyling of the rules and is renumbered as part of the reorganization of Part IA. The first sentence of subsection (b) is deleted as redundant because the requirement that the verified petition be on the clerk's form already is provided in subsection (a). Subsection (h) is amended to state the complete "special circumstances and showing of good cause" standard to avoid repeating the standard multiple times in subsection (h)(1). The requirements regarding bankruptcy cases in subsection (h)(1) are amended to conform to bankruptcy LR 5005. Former subsection (i) is deleted because a certified list is unnecessary in light of the court's electronic filing system. The other proposed amendments to LR IA 11-2 are for clarity, brevity, and readability.

LR IA 1~~0~~-3. GOVERNMENT ATTORNEYS~~.~~

Unless ~~otherwise ordered by~~ the ~~C~~court orders otherwise, any ~~nonresident~~ attorney who is a member in good standing of the highest court of any state, commonwealth, territory, or the District of Columbia, who is employed by the United States as an attorney and~~, while being so employed,~~ has occasion to appear in this ~~C~~court on behalf of the United States, is entitled to be permitted to practice before this court during the period of employment~~, shall,~~ upon motion ~~of~~by the employing federal entity, the United States Attorney, the United States Trustee's Office, or the Federal Public Defender for this ~~D~~district or one of the assistants.~~, be permitted to practice before this Court during the period of such employment.~~

Committee Note

LR IA 11-3 is amended as part of the general restyling of the rules and is renumbered as part of the reorganization of Part IA. LR IA 11-3 deletes the word "nonresident" to make it clear that any government attorney, not only nonresident government attorneys, may be admitted to practice in this court if licensed in the highest court of any state, commonwealth, territory, or the District of Columbia. The United States Trustee's Office is added to the list of federal entities who may move for permission to practice in this court.

LR IA 1~~0~~-4. LIMITED ADMISSION OF EMERITUS PRO BONO ATTORNEYS

(a) Unless the court orders otherwise, ~~I~~in bankruptcy cases, an attorney ~~an inactive member of the State Bar of Nevada in good standing, or any active or inactive attorney in good standing in any other jurisdiction,~~ who is certified as an emeritus pro bono attorney under Nevada Supreme Court Rule 49.2 ~~to assist low-income clients through an approved Emeritus Attorney Pro Bono Program provider as defined in S.C.R. 49.2,~~ may be admitted to practice before the ~~B~~bankruptcy

~~C~~court ~~and for pro bono matters only during the period of that attorney's association with the provider, subject to the conditions of this Rule, and unless otherwise ordered by the Court.~~under the following conditions:

(1) The attorney is an inactive member of the State Bar of Nevada in good standing, or any active or inactive attorney in good standing in any other jurisdiction;

(2) The attorney provides the pro bono services through an approved Emeritus Attorney Pro Bono Program provider as defined in S.C.R. 49.2;

(3) The attorney only practices before the bankruptcy court during the period of the attorney's association with the provider; and

(4) The attorney satisfies all other requirements of this rule.

(b) An a~~A~~pplication for admission to practice under ~~pursuant to~~ this ~~R~~rule must be filed with the ~~C~~clerk and be accompanied by:

(1) Proof of the attorney's certification as an emeritus pro bono attorney under S.C.R. 49.2; and~~,~~

(2) A statement signed by an authorized representative of the approved Emeritus Attorney Pro Bono Program provider that the attorney will be providing legal services under the auspices of the provider.

(c) An emeritus pro bono attorney must file proof with the ~~C~~clerk that the attorney's certification as an emeritus attorney has been renewed under S.C.R. 49.2, no later than ~~thirty (~~30~~)~~ days after the date of the renewal.

(d) Permission to practice under ~~pursuant to~~ this ~~R~~rule is limited to representing the clients of the ~~"~~Emeritus Attorney Pro Bono Program~~"~~ provider that sponsored the emeritus attorney's admission under subsection (b)(2) of this ~~R~~rule. The attorney may not receive personal compensation for the representation.

(e) Admission to practice under this ~~R~~rule will~~shall~~ terminate when:

(1) The attorney ceases to be certified as an emeritus pro bono attorney under S.C.R. 49.2;

(2) The emeritus pro bono attorney stops providing services for the provider that sponsored the attorney's admission under subsection (b)(2); or~~,~~

(3) The provider that sponsored the attorney's admission under subsection (b)(2) is no longer an approved ~~"~~Emeritus Attorney Pro Bono Program~~"~~ provider under S.C.R. 49.2.

If any of these events occurs, the provider that sponsored the attorney's admission under subsection (b)(2) has five5 days to file a statement to that effect must be filed within five (5) days by the provider that sponsored the attorney's admission under subsection (b)(2). The statement must be filed with both the Cclerk of this Ccourt and with the Cclerk of the Bbankruptcy Ccourt.

(f) An approved "Emeritus Attorney Pro Bono Program" provider is entitled to receive all court-awarded attorney's fees arising from the emeritus pro bono attorney's representation.

(g) The clerk must not issue a certificate to practice or charge an admission fee.A certificate to practice shall not be issued by the Clerk and no admission fee is required.

(h) An approved "Emeritus Attorney Pro Bono Program" provider isshall be subject to all Llocal Rrules to which attorneys appearing before the Bbankruptcy Ccourt are subject, including, without limitation, all Rrules related to practiceing and disciplineing.

Committee Note

LR IA 11-4 is amended as part of the general restyling of the rules and is renumbered as part of the reorganization of Part IA. The rule is amended to add structural divisions in subsection (a) for clarity, brevity, and readability.

LR IA 110-5. LAW STUDENTS.

(a) The court may permit a law student acting under the supervision and presence of a member of the bar of this court to appear in court on behalf of any client.Upon leave of Court, an eligible law student acting under the supervision of a member of the Bar of this Court may appear before a Unites States district judge, bankruptcy judge, magistrate judge or in a meeting in the United States Bankruptcy Court pursuant to 11 U.S.C. § 341(a) on behalf of any client, including federal, state or local government bodies, if the client has filed written consent with the Court.

(b) An eligible student must:

(1) Be enrolled and in good standing in a law school approved by the Court and have completed one-half (½) of the legal studies required for graduation or be a recent graduate of such school awaiting the results of a state bar examination;

~~(2) Have knowledge of the applicable Federal Rules of Procedure and Evidence, the Model Rules of Professional Conduct as set forth LR IA 10-7(a), and all other Rules of this Court;~~

~~(3) Be certified by the dean of the student's law school as adequately trained to fulfill all responsibilities as a law student intern to the Court;~~

~~(4) Not accept compensation for any legal services directly from a client; and,~~

~~(5) File with the Clerk all documents required to comply with this Rule.~~

(b~~c~~) The supervising attorney must~~shall~~:

(1) Have been admitted to practice before the highest court of any state for ~~two (~~2~~)~~ years or longer and be admitted to practice before this ~~C~~court;

~~(2) Agree in writing to be the supervising attorney;~~

(2~~3~~) Appear with the student at all oral presentations before the ~~C~~court;

(3~~4~~) Sign all documents filed with the ~~C~~court;

(4~~5~~) Assume professional responsibility for the student's work in matters before the ~~C~~court;

(5~~6~~) Assist and counsel the student in preparing matters before the ~~C~~court;

(6~~7~~) Be responsible to supplement the student's ~~oral or written work so as~~presentation to ensure proper representation of the client; and~~,~~

(7~~8~~) Represent to the court ~~Certify in writing~~ that the student has knowledge of the applicable Federal Rules of Procedures and Evidence, the Model Rules of Professional Conduct as set forth in LR IA 11~~10~~-7(a), and all other ~~R~~rules of this ~~C~~court.

~~(d) The dean's certification of the student shall be filed with the Clerk, and unless sooner withdrawn, shall remain in effect until publication of the results of the first bar examination following graduation. The dean may withdraw the certification by written notice to the Court.~~

~~(e) Upon fulfilling the requirements of this Rule, the student may:~~

~~(1) Assist in preparing briefs, motions and other documents pertaining to a case before the Court; or,~~

~~(2) Appear and make oral presentations before the Court when accompanied by the supervising attorney.~~

~~(f) A student's eligibility to participate in activities under this Rule terminates automatically on the first anniversary of the Court's granting permission for the student's appearance.~~

Committee Note

LR IA 11-5 is amended as part of the general restyling of the rules and is renumbered as part of the reorganization of Part IA. Former subsections (b), (d), (e), and (f) are deleted because they are either obsolete or are covered by the supervising attorney's duties to the court. The other amendments are for clarity, brevity, and readability.

LR IA 1~~0~~-6. APPEARANCES, SUBSTITUTIONS, AND WITHDRAWALS~~.~~

(a) A party who has appeared by attorney cannot while so represented appear or act in the case. This means that once an attorney makes an appearance on behalf of a party, that party may not personally file a document with the court; all filings must thereafter be made by the attorney. An attorney who has appeared for a party must~~shall~~ be recognized by the ~~C~~court and all the parties as having control of the client's case, however,~~.~~ ~~T~~the ~~C~~court~~, in its discretion,~~ may hear a party in open ~~C~~court even though the party is represented by an attorney.

(b) No attorney may withdraw after appearing in a case except by leave of the ~~C~~court after notice has been served on the affected client and opposing counsel.

(c) A~~ny~~ stipulation to substitute attorneys must~~shall be by leave of Court and~~ be signed by the attorneys and the represented client and be approved by the court. ~~shall bear the signatures of the attorneys and of the client represented.~~ Except where accompanied by a request for relief under subsection (e) of this ~~R~~rule, the attorney's signature ~~of an attorney to~~ on a stipulation to substitute the~~such~~ attorney into a case constitutes an express acceptance of all dates then set for pretrial proceedings, ~~for~~ trial, or hearings, by the discovery plan~~,~~ or ~~in~~ any ~~C~~court order.

(d) Discharge, withdrawal, or substitution of an attorney will~~shall~~ not alone be reason for delay of pretrial proceedings, discovery, the trial, or any hearing in the case.

(e) Except for good cause shown, no withdrawal or substitution will~~shall~~ be approved if it will result~~s~~ in delay of discovery, the trial, or any hearing in the case ~~would result~~. Where delay would result, the papers seeking leave of the ~~C~~court for the withdrawal or substitution must request specific relief from the scheduled discovery, trial, or hearing. If a trial setting has been made, an additional copy of

the moving papers mustshall be provided to the Cclerk for immediate delivery to the assigned district judge, bankruptcy judge, or magistrate judge.

Committee Note

LR IA 11-6 is amended as part of the general restyling of the rules and is renumbered as part of the reorganization of Part IA. The other amendments are for clarity, brevity, and readability.

LR IA 110-7. ETHICAL STANDARDS, DISBARMENT, SUSPENSION, AND DISCIPLINE.

(a) Model Rules. An attorney admitted to practice under pursuant to any of these Rrules mustshall adhere to the standards of conduct prescribed by the Model Rules of Professional Conduct as adopted and amended from time to time by the Supreme Court of Nevada, except as these standardssuch may be modified by this Ccourt. Any attorney who violates these standards of conduct, or who fails to comply with this Ccourt's Rrrules or orders, may be disbarred, suspended from practice before this Ccourt for a definite definitive time, reprimanded, or subjected to such other discipline as the Ccourt deems proper. This subsection does not restrict the Ccourt's contempt power.

(b) Conviction. For the purpose of this rule, "conviction" means a judgment as by a jury verdict, bench trial, or entry of a guilty plea.

(cb) If an attorney admitted to practice under these Rrules is subjected On being subjected to professional disciplinary action or convicted of any felony or other misconduct that reflects adversely on the attorney's honesty, trustworthiness, or fitness as an attorneya crime of moral turpitude in Nevada or in another jurisdiction, thean attorney admitted to practice pursuant to any of these Rules shallmust immediately inform the Cclerk in writing of the action. Failure to make thissuch a report is grounds for discipline under these Rrules.

(d) Upon the clerk's receipt of a certified copy of an order or judgment of suspension, disbarment, transfer to disability inactive status, or of a judicial declaration of incompetency or conviction of any felony or other misconduct that reflects adversely on an attorney's honesty, trustworthiness, or fitness as an attorney concerning a member of the Bbar of this Ccourt, or any other attorney admitted to practice before this Ccourt, the Cclerk must bring the order to the Ccourt's attention, and the Ccourt must enter the order under subsections (e), (f), or (g) of this Rrule.

(ed) Reciprocal Discipline.

(1) The ~~C~~court must enter an order to show cause why the ~~C~~court should not enter an order of suspension or disbarment if it receives~~Upon receipt of~~ reliable information that a member of the ~~B~~bar of this ~~C~~court or any attorney appearing pro hac vice: (A~~a~~) has been suspended or disbarred from the practice of law by the order of any United States Court, or by the b~~B~~ar, Supreme Court of Nevada, or other governing authority of any state, territory or possession, or the District of Columbia;~~,~~ or (B~~b~~) has resigned from the ~~B~~bar of any United States Court or of any state, territory or possession, or the District of Columbia, while an investigation or proceedings for suspension or disbarment was pending.~~,~~ ~~or (c) has been convicted of a crime, the elements or underlying facts of which may affect the attorney's fitness to practice law, this Court shall issue an order to show cause why this Court should not impose an order of suspension or disbarment.~~

(2) If the attorney files a response stating that imposition of an order of suspension or disbarment from this ~~C~~court is not contested, or if the attorney does not respond to the order to show cause within the time specified, then the Chief Judge~~Court shall~~ must enter~~issue~~ an order of suspension or disbarment on behalf of the ~~C~~court. ~~The Chief Judge shall file the order.~~

(3) If the attorney files a written response to the order to show cause within the time specified contesting ~~stating that~~ the entry of an order of suspension or disbarment ~~is contested~~, then the Chief Judge or other district judge who may be assigned ~~shall~~ must determine whether an order of suspension or disbarment should~~shall~~ be entered. ~~Where an~~If the attorney has been suspended or disbarred by another bar, or has resigned from another bar while the disciplinary proceedings were pending, ~~the attorney~~ in the response to the order to show cause the attorney must set forth facts establishing one or more of the following by clear and convincing evidence: (A~~a~~) the procedure in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; (B~~b~~) there was such an infirmity of proof establishing the misconduct as to give rise to a clear conviction that the ~~C~~court should not accept as final the other jurisdiction's conclusion(s) on that subject; (C~~c~~) imposition of like discipline would result in a grave injustice; or~~,~~ (D~~d~~) ~~-~~other substantial reasons ~~exist so as to~~ justify not accepting the other jurisdiction's conclusion(s). In addition, at the time the response is filed, the attorney must file ~~produce~~ a certified copy of the entire record from the other jurisdiction or bear the burden of persuading the ~~C~~court that less than the entire record will suffice.

(4~~2~~) If~~Should~~ an attorney admitted to practice under ~~pursuant to~~ any of these ~~R~~rules is~~be~~ transferred to disability inactive status on the grounds of incompetency or disability by any court of the United States, the Supreme

Court of Nevada, or the highest court of another state, commonwealth, territory, or the District of Columbia, the ~~C~~court must enter an order ~~an order shall be entered~~ requiring the attorney to show cause why this ~~C~~court should not enter an order placing the attorney on disability inactive status.

(f~~e~~) Conviction of Felony or Other Misconduct~~.~~

(1) An attorney admitted to practice in this court who is convicted of any felony or other misconduct that reflects adversely on the attorney's honesty, trustworthiness, or fitness as an attorney in any court of the United States, the District of Columbia, or of any state, territory, commonwealth, or possession of the United States, must report the conviction to this court within 14 days of its entry. Upon receiving notice of an attorney's conviction, regardless of whether sentencing has occurred, the court will immediately disbar the attorney from practice before this court. The Chief Judge must file the order.

(2) The Chief Judge will issue an order to show cause at the time of disbarment directing the disbarred attorney to demonstrate why the attorney should be reinstated to practice before the court during the pendency of any appeal of the conviction.

(3) If the attorney is permitted to practice before this court pending an appeal, within 14 days of the conviction becoming final, the attorney must again report the conviction and advise the court that it is now final. Once~~Upon~~ the court receives~~receiving~~ notice of the final conviction, the Chief Judge will issue an order to show cause directing the attorney to demonstrate why the court should not enter an order of disbarment.

(g~~f~~) Original Discipline~~.~~

(1) Initiation. When the ~~C~~clerk~~,~~ or a district, magistrate, or bankruptcy judge of this district believes an attorney's conduct may warrant disbarment, reprimand, or other discipline by this court, other than those matters addressed in sections (e) and (f), the ~~C~~clerk or judge may issue a written report and recommendation for the initiation of disciplinary proceedings (the "recommendation"). The Chief Judge, or another district judge if the Chief Judge is the judge recommending this action be taken (the "reviewing judge"), must review the recommendation to determine if clear and convincing evidence exists for the initiation of disciplinary proceedings. If the reviewing judge determines that disciplinary proceedings should be initiated, the reviewing judge must issue an order to show cause under this rule that identifies the basis for and nature of possible discipline.

(2) Response. An attorney against whom an order to show cause is issued under ~~this~~ section (g)(1) has 30 days from the date of the order ~~in which~~ to file a response. The attorney may include in the response ~~(i)~~ a request (i) to submit the matter on the recommendation, affidavits, briefs, and the record~~,~~ or (ii) for a hearing. The failure to request a hearing will be deemed a waiver of any right to a hearing. The failure to file a timely response may result in the imposition of discipline by the court without further notice.

(3) Hearing. If a hearing is requested by the attorney, the reviewing judge must conduct a hearing ~~must be conducted~~ on the recommendation. ~~The hearing will be held by the reviewing judge.~~ If a hearing is not requested, the matter will be determined by the reviewing judge on the record submitted. At any hearing under this rule, the attorney may be represented by counsel, who must file a notice of appearance with the reviewing judge and with any attorney appointed by the court to prosecute the matter.

(4) Appointment of Counsel to Prosecute Charges. In appropriate cases, the reviewing judge may appoint an attorney to prosecute charges of misconduct and must provide notice of that appointment to the attorney and his counsel, if any. The court may solicit recommendations from the Lawyer Representatives of the District of Nevada on an appropriate appointment. Actual out-of-pocket costs incurred by the attorney prosecuting the charges will be reimbursed from the non-appropriated fund after the court's review and approval.

(5) Determination and Entry of Order. Upon the completion of the hearing, if any, and the~~his or her~~ review of the record, the reviewing judge must provide a decision, either orally from the bench or in a written order, which will be entered as a final order.

(h) The ~~C~~clerk must distribute copies of any order of disbarment, transfer to disability inactive status, or other disciplinary order entered under this rule to the attorney affected, to all the judges in this district, to the ~~C~~clerk of the Nevada Supreme Court, to the Nevada State Bar Counsel and Executive Director, and to the American Bar Association's National Disciplinary Data Bank.

(i~~g~~) Reinstatement. An attorney who is the subject of an order of disbarment, suspension, or transfer to disability inactive status may petition for reinstatement to practice before this ~~C~~court or for modification of the~~such~~ order as may be supported by good cause and the interests of justice. To be readmitted, a disbarred attorney must file a petition for reinstatement with the ~~C~~clerk. The petition must contain a concise statement of the circumstances of the disciplinary proceedings, the discipline imposed by the court, and the grounds that justify the attorney's reinstatement. If this court imposed reciprocal discipline under section (e) of this rule, and if the attorney was readmitted by the supervising court or the

discipline imposed by the supervising court was modified or satisfied, the petition must explain the situation with specificity, including a description of any restrictions or conditions imposed on readmission by the supervising court. The petition will be referred to the Chief Judge~~,~~ or another district judge at the Chief Judge's discretion ~~,~~who will file a proposed determination. The provisions of subsection (g)(5) will govern the determination and entry of decision on the petition for reinstatement.

~~(h) Upon receipt by the Clerk of a certified copy of an order or judgment of suspension, disbarment, transfer to disability inactive status, or of a judicial declaration of incompetency or conviction of any felony or other misconduct that reflects adversely on an attorney's honesty, trustworthiness or fitness as an attorney a crime of moral turpitude concerning a member of the Bar of this Court, or any other attorney admitted to practice before this Court, the Clerk mustshall bring thesuch order to the attention of the Court's attention, and the Court which must shall enter the order under provided for in subsections (d), (e) or (f) (b)(1) or (2) of this Rule.~~

~~(i) The Clerk mustshall distribute copies of any order of suspension, disbarment, transfer to disability inactive status or other disciplinary order entered under pursuant to this Rule to the attorney affected, to all the judges in this District, to the Clerk of the Nevada Supreme Court, to the Nevada State Bar Counsel and Executive Director, and to the American Bar Association's National Disciplinary Data Bank.~~

(j) An attorney who, before admission to practice before this ~~C~~court, or during any period of disbarment, suspension, or transfer to disability inactive status from such practice, exercises any of the privileges of an attorney admitted to practice before this ~~C~~court, or who pretends to be entitled to do so, is guilty of contempt of ~~C~~court and subject~~ed~~ to appropriate punishment.

(k) Unless the court orders otherwise, the disciplined attorney must effect service of the notice of suspension or disbarment on all clients in all active cases, if any, before this court and must file proof of service of the notice in those cases, which must include the client's last known address. Further, the judge presiding over each individual case retains the discretion to take any action deemed appropriate.

(l) Nothing in this~~e~~ rule limits an individual judge's power to impose sanctions ~~as~~ authorized under applicable law. Nothing in this rule is intended to limit the inherent authority of any judge of this court to suspend an attorney from practicing before that judge on a case-~~-~~by-~~-~~case basis~~,~~ after appropriate notice and an opportunity to be heard.

Committee Note

LR IA 11-7 is amended as part of the general restyling of the rules, is renumbered as part of the reorganization of Part IA, and is reordered for clarity. Substantively, the rule is amended to update and establish procedures for attorney discipline. Subsection (b) is added to define the term "conviction." Subsection (e)(1) is revised to put the short main clause before the longer conditions. Subsection (f) establishes procedures for disbarment of an attorney if the attorney is convicted of any felony or other misconduct that reflects adversely on the attorney's honesty, trustworthiness, or fitness as an attorney. Subsection (g) establishes procedures for original discipline. Subsection (i) is amended to establish procedures for reinstatement. Subsection (k) establishes procedures for effecting service of a notice of suspension or disbarment on clients. Subsection (l) makes clear that this rule is not intended to limit an individual judge's power to authorize sanctions as authorized under applicable law.

LR IA 11-~~84~~ 1. SANCTIONS.~~

The ~~C~~court may, after notice and an opportunity to be heard, impose any and all appropriate sanctions on an attorney or party ~~appearing in pro se~~ who~~, without just cause~~:

(a) Fails to appear when required for pretrial conference, argument on motion, or trial;

(b) Fails to prepare for a presentation to the ~~C~~court;

(c) Fails to comply with these ~~R~~rules; or~~,~~

(d) Fails to comply with any order of this ~~C~~court.

Committee Note

LR IA 11-8 is amended as part of the general restyling of the rules and is renumbered as part of the reorganization of Part IA. The other amendments are for clarity, brevity, and readability.

~~LOCAL RULES~~ PART IB – UNITED STATES MAGISTRATE JUDGES

LR IB 1-1. DUTIES UNDER 28 U.S.C. § 636(a)~~.~~

Each United States magistrate judge in this ~~D~~district is authorized to:

(a) Exercise all powers and duties conferred or imposed upon magistrate judges by 28 U.S.C. § 636(a);

(b) Conduct extradition proceedings under ~~in accordance with~~ 18 U.S.C. § 3184; and~~,~~

(c) Establish schedules for the payment of fixed sums to be accepted in lieu of appearance and thereby terminate proceedings in petty~~ -~~offense cases. These~~Such~~ schedules may be modified from time to time with the court's prior approval ~~of the Court~~.

Committee Note

LR IB 1-1 is amended as part of the general restyling of the rules.

LR IB 1-2. DISPOSITION OF MISDEMEANOR CASES – 18 U.S.C. § 3401~~.~~

A magistrate judge may:

(a) Try persons accused of, and sentence persons convicted of, misdemeanors committed within this ~~D~~district under ~~in accordance with~~ 18 U.S.C. § 3401; and~~,~~

(b) Direct the court's probation service ~~of the Court~~ to conduct a presentence investigation and render a presentence report in any misdemeanor case.

Committee Note

LR IB 1-2 is amended as part of the general restyling of the rules.

LR IB 1-3. DETERMINATION OF PRETRIAL MATTERS – 28 U.S.C. § 636(b)(1)(A)~~.~~

A magistrate judge may hear and finally determine any pretrial matter not specifically enumerated as an exception in 28 U.S.C. § 636(b)(1)(A).

LR IB 1-4. FINDINGS AND RECOMMENDATIONS – 28 U.S.C. §636(b)(1)(B)~~.~~

When a district judge refers to a magistrate judge a motion, petition, or application that a magistrate judge may not finally determine ~~in accordance with~~under 28 U.S.C. § 636 (b)(1)(B) ~~to a magistrate judge~~, the magistrate judge must~~shall~~ review it, conduct any necessary evidentiary or other hearings, and file findings and recommendations for disposition by the district judge. Motions subject to this ~~such~~ referral include, but are not limited to:

(a) Motions for injunctive relief, including temporary restraining orders and preliminary and permanent injunctions;

(b) Motions for judgment on the pleadings;

(c) Motions for summary judgment;

(d) Motions to permit the maintenance of a class action;

(e) Motions to dismiss;

(f) Motions for review of default judgments;

(g) Motions to dismiss or quash an indictment or information made by a defendant in a criminal case;

(h) Motions to suppress evidence in a criminal case;

(i) Applications for post-trial relief made by individuals convicted of criminal offenses;

(j) Petitions by inmates challenging conditions of confinement; ~~and,~~

(k) Internal Revenue Service summons enforcements;

(l) Review of administrative proceedings; and

(m) Habeas corpus and criminal cases under 28 U.S.C. §§ 636(b)(1)(B), 2241, 2254, and 2255, except in death penalty cases.~~.~~

Committee Note

LR IB 1-4 is amended as part of the general restyling of the rules. The provisions of former rules LR IB 1-5 (Judicial Review of Administrative Proceedings) and 1-6 (Habeas Corpus and Criminal Cases Under 28 U.S.C. §§ 636(b)(1)(B), 2241, 2254, and 2255) are added as subsections (l) and (m) of this rule for clarity and brevity.

~~**LR IB 1-5. JUDICIAL REVIEW OF ADMINISTRATIVE PROCEEDINGS.**~~

~~A district judge may refer any civil action seeking judicial review of an administrative proceeding to a magistrate judge. The magistrate judge must~~shall review the matter, conduct any ~~necessary proceedings, and file findings and recommendations for disposition by the district judge~~Court.~~

Committee Note

For clarity and brevity, former LR IB 1-5 is deleted and its provisions are added to LR IB 1-4(l).

~~**LR IB 1-6. HABEAS CORPUS AND CRIMINAL CASES UNDER 28 U.S.C. §§ 636(b)(1)(B), 2241, 2254, and 2255.**~~

~~A magistrate judge may perform any or all of the duties imposed upon a district judge by the Rrules governing proceedings under 28 U.S.C. §§ 636(b)(1)(B), 2241, 2254, and 2255, except in death penalty cases. In so doing, a magistrate judge may issue any preliminary orders and conduct any necessary evidentiary hearings or other appropriate proceedings, and mustshall file findings of fact and recommendations for disposition by the district judge.~~

Committee Note

For clarity and brevity, former LR IB 1-6 is deleted and its provisions are added to LR IB 1-4(m).

LR IB 1-5~~7~~. SPECIAL MASTER REFERENCES~~.~~

A magistrate judge may be designated by a district judge to serve as a special master in appropriate civil cases under ~~in accordance with~~ 28 U.S.C. §636(b)(2) and Fed. R. Civ. P. 53.

Committee Note

Former LR IB 1-7~~7~~ is renumbered as LR IB 1-5 and is amended as part of the general restyling of the rules.

LR IB 1-6~~8~~. (RESERVED)~~.~~

LR IB 1-7~~9~~. OTHER DUTIES~~.~~

A magistrate judge is also authorized to:

(a) Exercise general supervision of civil and criminal calendars, conduct calendar and status calls, and determine motions to expedite or postpone the trial of cases for the district judges;

(b) Conduct pretrial conferences, settlement conferences, omnibus hearings, and related pretrial proceedings in civil and criminal cases;

(c) Preside over all initial appearances, preliminary examinations, and arraignments before the district judge ~~District Court~~, appoint counsel, accept pleas of not guilty, establish the times within which all pretrial motions will be filed and responded to, and fix trial dates. If a plea of guilty or nolo contendere is offered, the matter will be promptly~~forthwith~~ calendared before a district judge;

(d) Preside when the Grand Jury reports and accepts for the ~~C~~court any indictments returned, issue warrants and summonses as appropriate, establish the terms of release pending trial, and continue the same if previously fixed, or modify the terms of release;

(e) Accept waivers of indictment underpursuant to Fed. R. Crim. P. 7(b);

(f) Accept petit jury verdicts in civil and criminal cases at the request of a district judge and fix dates for imposition of sentence;

(g) Issue subpoenas, writs of *habeas corpus ad testificandum* or *prosequendum*, and other orders necessary to obtain the presence of parties, witnesses, or evidence ~~needed~~ for court proceedings;

(h) Order the exoneration or forfeiture of bonds;

(i) Fix the terms of release pending sentencing and appeal;

(j) Have and exercise the powers of a district judge with respect to the issuance of warrants of removal and in the implementation and execution of ~~the provisions of~~ Fed. R. Crim. P. 40;

(k) Conduct examinations of judgment debtors under Fed. R. Civ. P. 69;

(l) Issue orders authorizing the installation and use of devices to register telephone numbers dialed or pulsed or directing communication common carriers, as defined in 18 U.S.C. § 2510(10), to furnish law enforcement agencies with information, facilities, and technical assistance necessary to accomplish the installation and use of the registering device;

(m) Decide petitions to enforce administrative summonses;

(n) Preside over proceedings to enforce civil judgments;

(o) Issue orders authorizing entries to effect levies;

(p) Issue administrative inspection warrants;

(q) Serve as a commissioner in land-~~-~~condemnation cases;

(r) Conduct international prisoner-~~-~~transfer hearings;

(s) Conduct hearings to determine mental competency under ~~pursuant to~~ 18 U.S.C. § 4242, et seq.;

(t) Select petit juries in criminal and civil cases with the consent of the parties; and~~,~~

(u) Perform any additional duty not inconsistent with the Constitution and laws of the United States.

Committee Note

Former LR IB 1-9 is renumbered as LR IB 1-7 and is amended as part of the general restyling of the rules. The term "District Court" is replaced with "district judge" for consistency with the other rules in Part IB.

LR IB 2-1. CONDUCT OF CIVIL TRIALS BY UNITED STATES MAGISTRATE JUDGES; CONDUCT OF TRIALS AND DISPOSITION OF CIVIL CASES UPON CONSENT OF THE PARTIES – 28 U.S.C. § 636(c)~~.~~

The magistrate judges of this ~~D~~district are designated to exercise all jurisdiction in civil jury and non-jury cases ~~pursuant to~~under 28 U.S.C. § 636(c). Upon the written consent of the parties and a reference of a civil case by the district judge to a magistrate judge, ~~-~~a magistrate judge may conduct any or all proceedings in the case, including the conduct of a jury or non-jury trial, and may order the entry of a final judgment ~~in accordance with~~under 28 U.S.C. § 636(c). In conducting those~~such~~ proceedings, a magistrate judge may hear and determine any and all pretrial and post-trial motions filed by the parties, including case-dispositive motions.

Committee Note

LR IB 2-1 is amended as part of the general restyling of the rules.

LR IB 2-2. SPECIAL PROVISIONS FOR THE DISPOSITION OF CIVIL CASES BY A UNITED STATES MAGISTRATE JUDGE ON CONSENT OF THE PARTIES – 28 U.S.C. § 636(c)~~.~~

(a) ~~Except as otherwise ordered by the Court~~Unless the court orders otherwise, the ~~C~~clerk must~~shall~~ notify the parties in all civil cases that they may consent to have a magistrate judge conduct any or all proceedings in the case and order the entry of a final judgment. ~~Such~~ The ~~C~~clerk must serve the notice ~~shall be served by the Clerk upon~~ on all parties at the time of the filing of the scheduling order required by LR 26-~~-~~1(a~~b~~). Additional notices may be furnished to the parties at later stages of the proceedings and may be included with pretrial notices and instructions.

(b) After consent forms have been executed and submitted by all parties, the ~~C~~clerk must~~shall~~ transmit the case and the consent forms to the district judge to whom the case has been assigned to consider~~for consideration of~~ referral of the case to a magistrate judge. If the case is referred to a magistrate judge, the magistrate judge will~~shall~~ have the authority to conduct any and all proceedings to which the parties have consented and to direct the ~~C~~clerk to enter a final judgment in the same manner as if a district judge had presided.

(c) Parties may consent to a trial by a magistrate judge up to the date of trial even though they may have previously declined to sign such a consent.

(d) Parties may consent to have a magistrate judge hear all or any portions of a case pending before the district judge ~~District Court~~.

Committee Note

LR IB 2-2 is amended as part of the general restyling of the rules. The term "District Court" is replaced with "district judge" for consistency with the other rules in Part IB.

LR IB 3-1. REVIEW AND APPEAL – UNITED STATES MAGISTRATE JUDGE; REVIEW OF MATTERS THAT~~WHICH~~ MAY BE FINALLY DETERMINED BY A MAGISTRATE JUDGE IN CIVIL AND CRIMINAL CASES – 28 U.S.C. § 636 (b)(1)(A)~~.~~

(a) A district judge may reconsider any pretrial matter referred to a magistrate judge in a civil or criminal case under ~~pursuant to~~ LR IB 1-3, when~~where~~ it has been shown ~~that~~ the magistrate judge's ruling is clearly erroneous or contrary to law. Any party wishing to object to the magistrate judge's ruling ~~of the magistrate judge~~ on a pretrial matter must~~shall~~, within ~~fourteen (~~14~~)~~ days from the date of service of the magistrate judge's ruling, file and serve specific written objections. Any party may, within 14 days, respond to the objections. Replies will be allowed only with leave of the court. ~~to the ruling together with points and authorities in support thereof. The opposing party shall within fourteen (14) days thereafter file and serve points and authorities opposing the objections. Points and authorities filed in support of, or in opposition to, the objections~~ Objections, responses, and replies are subject to the page limits ~~set forth~~ in LR 7-34 and~~or~~ LCR 47-~~ 27~~.

(b) The district judge may affirm, reverse, or modify, in whole or in part, the magistrate judge's ruling. ~~made by the magistrate judge.~~ The district judge may also remand the matter ~~same~~ to the magistrate judge with instructions.

Committee Note

LR IB 3-1 is amended to state the local practice that reply briefs in support of an objection to a magistrate judge's ruling are not permitted without leave of the court. In subsection (a), the citation to LCR 47-2 is updated due to the renumbering of Part IV. In subsection (b), the term "same" is replaced with "matter" to make clear what is being remanded. The other amendments are for clarity, brevity, and readability and are made as part of the general restyling of the rules.

LR IB 3-2. REVIEW OF MATTERS THATWHICH MAY NOT BE FINALLY DETERMINED BY A UNITED STATES MAGISTRATE JUDGE IN CIVIL AND CRIMINAL CASES, ADMINISTRATIVE PROCEEDINGS, PROBATION REVOCATION PROCEEDINGS – 28 U.S.C. § 636(b)(1)(B).

(a) Any party wishing to object to a magistrate judge's the findings and recommendations of a magistrate judge made underpursuant to LR IB 1-4, IB 1-5, IB 1-6, and IB 1-7 mustshall, within fourteen (14) days from the date of service of the findings and recommendations, file and serve specific written objections together with supporting points and authorities in support thereof. Any party may, within 14 days, respond to the objections. Replies will be allowed only with leave of the court. The opposing party shall within fourteen (14) days thereafter file and serve points and authorities opposing the objections. Points and authorities filed in support of, or in opposition to, the objections Objections, responses, and replies are subject to the page limits set forth in LR 7-34 andor LCR 47-2 7.

(b) The district judge mustshall conduct make a de novo reviewdetermination of those portions of the specified findings or recommendations to which objections have been made. The district judge may accept, reject or modify, in whole or in part, the magistrate judge's findings or recommendations. made by the magistrate judge. The district judge may also receive further evidence or remand the mattersame to the magistrate judge with instructions.

Committee Note

LR IB 3-2 is amended in parallel with LR IB 3-1.

LR IB 3-3. APPEAL FROM JUDGEMENTS IN MISDEMEANOR CASES – 18 U.S.C. § 3402.

A defendant may appeal a judgment of conviction by a magistrate judge in a misdemeanor case to a district judge by filing a notice of appeal within fourteen (14) days after entry of the judgment and by serving a copy of the notice upon the United States Attorney. The scope of appeal willshall be the same as on an appeal from a judgment of the District Courtthis court to the Court of Appeals.

Committee Note

LR IB 3-3 is amended as part of the general restyling of the rules. The term "District Court" is replaced with "this court" for consistency with LR IB 3-4.

LR IB 3-4. APPEAL FROM JUDGMENTS IN CIVIL CASES DISPOSED OF ON CONSENT OF THE PARTIES – 28 U.S.C. § 636(c).

Upon the entry of judgment in any civil case disposed of by a magistrate judge on consent of the parties under ~~authority of~~ 28 U.S.C. § 636(c) and LR IB 2-1 ~~supra~~, an appeal by an aggrieved party may~~shall~~ be taken directly to the Court of Appeals in the same manner as an appeal from any other judgment of this ~~C~~court.

Committee Note

LR IB 3-4 is amended as part of the general restyling of the rules.

LR IB 3-5. APPEAL FROM UNITED STATES MAGISTRATE JUDGE'S RELEASE AND DETENTION ORDERS~~.~~

A motion under 18 U.S.C. § 3145(a) or (b) seeking revocation or amendment of a magistrate judge's release or detention order must~~shall~~ be ~~en~~titled "Appeal from Magistrate Judge's Release (or Detention) Order."

Committee Note

LR IB 3-5 is amended as part of the general restyling of the rules.

PART IC – ELECTRONIC CASE FILING

LR IC 1-1. REQUIREMENTS FOR ELECTRONIC FILING OF COURT DOCUMENTS

(a) Effective November 7, 2005, the ~~C~~clerk is authorized to maintain the official files for all cases in electronic form. All cases and proceedings filed on or after January 1, 2006, will be assigned to the electronic filing system to the extent required under these rules.

(b) Filer Defined. A "f~~F~~iler" is a person who is issued a l~~L~~ogin and p~~P~~assword to file documents in the court's electronic filing system.

(c) Unless the court orders otherwise, the following documents will not be filed electronically:

(1) Miscellaneous cases;

(2) Documents filed in open court, except that documents otherwise appropriate for electronic filing must be filed electronically after conclusion of the hearing or trial;

(3) Settlement Conference Statements;

(4) Early Neutral Evaluation Statements;

(5) Inmate Early Mediation Statements;

(6) Documents presented for in camera review;

(7) Consents to proceed before a magistrate judge;

(8) Documents pertaining to Grand Jury proceedings;

(9) Documents initiating a criminal case;

(10) Bond documents;

(11) Documents not susceptible to electronic filing, such as large maps, diagrams, photographs, and drawings ~~as prescribed~~described in LR IA 10-3(f); and

(12) Discovery documents under LR 26-8.

(d) Notice of Manual Filing. A "Notice of Manual Filing" must be filed electronically when a document or other item is filed in person at the ~~C~~clerk's

oOffice. The Notice of Manual Filing must include: (1) a description of the item, e.g., DVD, CD, map, etc.; (2) the size of the item, e.g., number of pages, discs, maps, etc.; and (3) references to other documents filed in the case that the document or item supports. Two copies of the Notice of Manual Filing must be delivered to the Cclerk's Ooffice intake window, one to be recorded as received, and the other to be stamped "received" and returned to the filer for his or her records.

(e) Electronic Record Is the Official Record. Electronic files consist of the images of documents filed in legal actions or proceedings and documents created and filed by electronic means. Together with the other records kept by the court, electronic files constitute the court's official record. The Cclerk will not maintain a hard copy of documents once the documents are electronically filed.

(f) Court Docket. The electronic filing of a document under these rules constitutes entry of that document on the docket kept by the Cclerk under Fed. R. Civ. P. 58 and 79 and Fed. R. Crim. P. 49 and 55 and must be deemed accepted for filing by the Cclerk.

(g) The Cclerk must enter all orders, decrees, judgments and proceedings of the court under the rules applicable to the electronic filing system.

(h) Notice of Electronic Filing. Upon the entry of a judgment or order generated by the court in a case assigned to the electronic filing system, the Cclerk promptly must transmit to fFilers a "Notice of Electronic Filing." The Cclerk must give notice in paper form to any person who has not consented to electronic service under the Federal Rules of Civil and/or Criminal Procedure and these rules.

(i) Public Access. Access to the documents and files maintained in electronic form is available free of charge in the Cclerk's oOffice during regular business hours. Access also is available via the Internet through the Public Access to Court Electronic Records system (PACER), a web-based system that provides access to electronic federal case dockets and filings at the per-page fee established by the Judicial Conference of the United States.

(1) Access in the Clerk's Office. Internet access to the documents filed on the electronic filing system and Internet access to the docket is available for viewing, without obtaining a PACER login and password, in the Cclerk's Ooffice, during regular business hours.

(2) Internet Access. Any person or organization may access the electronic filing system at the court's website, www.nvd.uscourts.gov, by obtaining a PACER lLogin and password. Those who have PACER access but are not fFilers may retrieve docket sheets and documents, but may not file documents.

(3) Limiting Electronic Filing or Access. Any person may move for an order limiting electronic access to, or prohibiting the electronic filing of, certain specifically identified materials on the grounds that the materials are subject to privacy interests and that electronic access or electronic filing in the action is likely to prejudice those privacy interests.

(4) Prohibited Use. Information posted on the electronic filing system must not be used for any purpose inconsistent with the privacy concerns of any person or entity.

(5) Paper Copies of Electronically Filed Documents. Conventional paper copies and certified copies of electronically filed documents may be obtained from the ~~C~~clerk's ~~O~~office during regular business hours. The fee for copying and certification is established by the Judicial Conference for the United States in 28 U.S.C. § 1914.

LR IC 2-1. ELECTRONIC FILING SYSTEM FILERS: REGISTRATION, TRAINING, AND RESPONSIBILITIES

(a) Required Filers. Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice under LR IA 11-2, authorized to represent the United States and its agencies under LR IA 11-3, or appearing by special appointment must register as a "f~~F~~iler" to file documents electronically and must file all documents electronically as set forth in these rules.

(b) A pro se litigant may request the court's authorization to register as a f~~F~~iler in a specific case.

(c) A litigant who is not registered as a filer must file documents by delivering originals of the documents to the clerk's office by hand delivery, U.S. Mail, or similar carrier service such as Federal Express.

(d) Registration. Any attorney or other applicant seeking to become a f~~F~~iler must submit a completed r~~R~~egistration f~~F~~orm available on the court's website at www.nvd.uscourts.gov.

(e) Filer Login and Passwords.

(1) Each f~~F~~iler will be issued a l~~L~~ogin and p~~P~~assword to permit the f~~F~~iler to access ~~-~~and file documents in the electronic filing system.

(2) Change of Password. Filers are encouraged to change their p~~P~~asswords periodically for online security purposes.

(3) The ~~C~~clerk does not maintain a record of a f~~F~~iler's p~~P~~assword.

(4) For l~~L~~ogin and p~~P~~assword retrieval, the f~~F~~iler should access the ~~C~~court's website at www.nvd.uscourts.gov.

(f) Notice to Clerk's Office of Compromised Password. A f~~F~~iler is responsible for safeguarding his or her u~~U~~ser l~~L~~ogin and p~~P~~assword. If a f~~F~~iler believes the security of an existing p~~P~~assword has been compromised, the f~~F~~iler must immediately notify the ~~C~~clerk of the apparent security breach.

(g) Updating Filer Account Information. It is the f~~F~~iler's responsibility to maintain and update his or her user account information, including his or her email address.

(h) Prohibited Use. The court deems the f~~F~~iler's l~~L~~ogin and p~~P~~assword to be confidential. No person is permitted to use a f~~F~~iler's l~~L~~ogin and p~~P~~assword unless specifically authorized by the f~~F~~iler.

(i) Signature. The filing of a document through the use of an authorized f~~F~~iler's l~~L~~ogin and p~~P~~assword constitutes the "signature" of that attorney or party for purposes of Fed. R. Civ. P. 11.

(j) Each f~~F~~iler is responsible to monitor his or her email to ensure timely receipt of electronically filed and served documents.

(k) Training. The ~~C~~clerk may offer training for f~~F~~ilers or prospective f~~F~~ilers on a case by case basis.

LR IC 2-2. FILER RESPONSIBILITIES WHEN ELECTRONICALLY FILING DOCUMENT

(a) Form of Documents.

(1) PDF Format. To be filed in the electronic filing system, all documents must be in a searchable Portable Document Format (PDF), except that exhibits and attachments to a filed document that cannot be imaged in a searchable format may be scanned.

(2) Size of Documents. Documents must not be larger than the limit set forth in the electronic filing system. Documents that exceed the limit must be divided into separate documents.

(3) Exhibits and Attachments. All filed documents with exhibits or attachments must comply with the following requirements:

(A) Exhibits and/~~or~~ attachments must not be filed as part of the base document in the electronic filing system. They must be attached as separate files; and

(B) Exhibits and attachments that must be separated due to size must be individually identified when they are filed in the court's electronic filing system. (Example: "Affidavit of Joe Smith," pages 1–30; Affidavit of Joe Smith," pages 31–45, etc.")

(4) Legibility. Before filing a PDF document, a filer must verify its legibility. Illegible documents may be stricken.

(b) Document Events. The electronic filing system categorizes documents by the type of "event." The filer must select a type of "event" for each filed document based on the relief requested and/or the purpose of a document. For each type of relief requested and/or purpose of the document, a separate document must be filed and a separate event must be selected for that document. Examples: (i) separate documents must be filed for a response to a motion and a counter motion, with the appropriate "event" selected for each document, rather than filing a response and a counter-motion in one document; (ii) separate documents must be filed for a motion to dismiss and a motion to sever, rather than filing a motion to dismiss and to sever in one document.

(c) Title of Docket Entry. The filer is responsible for designating the accurate title of a document filed in the electronic filing system. The filer must correct or complete the title of the document filed in the electronic filing system.

(d) Linking Documents. Electronically filed documents——such as responses, replies, and declarations——that pertain to a motion or other document must be linked properly to the document to which they pertain in the electronic filing system. This enables the establishment of a the docket--entry relationship and/or proper setting or termination of scheduled deadlines.

(e) Hearing-Related Documents. Unless the court orders otherwise, a filer must electronically file documents required for court hearings. When these documents are filed in close proximity to the hearing, the filer must advise the courtroom administrator for the assigned district judge or magistrate judge that the documents were filed.

(f) Submission of Proposed Orders. A filer who submits a proposed order, judgment, findings of fact, or other document requiring a judge's signature may submit the proposed order electronically in a searchable PDF format. A judge may direct proposed documents be submitted by other means and in other formats.

(g) Paper Copies for Chambers. Unless the presiding judge orders otherwise, a filer must provide to chambers a paper copy of all electronically filed documents that exceed 50 pages in length, including exhibits or attachments. Paper copies must be appropriately tabbed. *See* LR IA 10-3(i).

LR IC 3-1. TIME OF FILING AND CHANGES TO DEADLINES WHEN DOCUMENTS ARE ELECTRONICALLY SERVED AND FILED

(a) Filing Deadline When Document Is Electronically Filed. Unless the court orders otherwise, when a document is required to be filed by a deadline set by any rule or order, the deadline is~~will be~~ 11:59 p.m. on the date due.

(b) Time Filed. An electronic document is deemed filed as of the date and time stated on the "Notice of Electronic Filing." The Notice of Electronic Filing is emailed to each f~~F~~iler and the date of filing is shown on the docket. The date and time stated in the Notice of Electronic Filing is determined by the date and time in the time zone in which the court is located. For transactions in which documents are filed under seal, only the f~~F~~iler who filed the document will receive a Notice of Electronic Filing that informs the f~~F~~iler that no electronic notice will be sent because the document was filed under seal.

(c) Technical Failures. A f~~F~~iler whose filing is made untimely because of a technical failure may seek appropriate relief from the court.

(d) Deadlines Contained in Notices of Electronic Filing. Filing deadlines listed in Notices of Electronic Filing are provided as a courtesy only. To the extent these deadlines conflict with a court order, the court order controls. In the absence of a court order, the applicable Federal Rules, statutes, or local rules govern computing and extending time for serving and filing of all documents notwithstanding any contrary deadline in a Notice of Electronic Filing.

LR IC 4-1. SERVICE

(a) Participation in the court's electronic filing system by registration and receipt of a l~~L~~ogin and p~~P~~assword constitutes consent to the electronic service of pleadings and other papers under applicable rules, statutes, or court orders.

(b) Except as otherwise set forth in this rule, electronic transmission of the Notice of Electronic Filing constitutes service of a document on f~~F~~ilers. Parties and attorneys who are not f~~F~~ilers must be served conventionally under applicable Federal Rules, statutes, or court orders.

(c) Paper Service. Service of documents in paper form is required in the following circumstances, even if the document is electronically filed:

(1) When the document is a~~A~~ summons,~~ and~~ complaint, petition, or other document initiating a civil case, it must be served under applicable Federal Rules of Civil Procedure or court orders.

(2) When a document is a~~A s~~Summons or w~~W~~arrant arising from an i~~I~~ndictment, it must be served under applicable Federal Rules of Criminal Procedure.

(3) When a document is a~~A s~~Subpoena, it must be served under applicable Federal Rules of Procedure.

(4) When a document is filed under seal. *See* LR IA 10-5.

(5) When a document is filed exclusively in paper form.

(6) When a document is served on ~~Non-Filers~~non-filers.

(7) When the court orders otherwise.

(d) Proof of Service. Unless the face of the document demonstrates that all parties to the case have signed the document (e.g., a stipulation), a certificate of service, indicating how service was accomplished, must accompany all electronically filed documents.

LR IC 5-1. SIGNATURES

(a) Electronic Signature Defined. An electronic signature may be either in the form of "/s/ [name]" or a facsimile of a handwritten signature.

(b) Filer Signature. A f~~F~~iler's electronic signature in the signature block of an electronic document constitutes a signature for all purposes under applicable rules, statutes, or court orders. The signatory~~ee~~ must be the attorney or pro se party who electronically files the document.

(c) Non-Filers. An electronic signature in the signature block of an electronic document will constitute the signature of person who is not a f~~F~~iler for all purposes under applicable rules, statutes, or orders. The original signed document or any document confirming that the non-filer~~Non-Filer~~ consented to the electronic signature must be maintained by the f~~F~~iler who filed the document for the duration of the case and any subsequent appeal.

(d) Multiple Electronic Signatures. Where a f~~F~~iler plans to electronically file a document containing signatures of more than one party or attorney, the f~~F~~iler must obtain either the original signature or consent to apply the "/s/[name]" signature of each party or attorney. The f~~F~~iler who files the document with the other parties' electronic signatures must maintain, for the duration of the case and any subsequent appeal, the document with the original signatures and/or proof that the other parties consented to the use of their "/s/[name]" signature. The f~~F~~iler's filing of a document containing the other parties' electronic signatures constitutes the f~~F~~iler's certification that he obtained the required consent of the

other parties. The electronic signature in the signature block of an electronically filed document constitutes a signature for all purposes under applicable rules, statutes, or court orders.

(e) Review of Retained Documents. Upon request, the original document or written authorization must be provided to other parties or the court.

LR IC 5-2. RETENTION REQUIREMENTS

(a) Time for Retention. Documents that are electronically filed and require original signatures other than that of the f~~F~~iler must be maintained in original paper form by the f~~F~~iler who made the filing for the duration of the case and any subsequent appeal.

(b) Review of Retained Documents. Upon request, the original document must be provided to other parties or the court for review.

LR IC 6-1. REDACTION

(a) Parties must refrain from including~~——~~or must partially redact, where inclusion is necessary~~——~~the following personal-data identifiers from all documents filed with the court, including exhibits, whether filed electronically or in paper, unless the court orders otherwise:

(1) Social Security Numbers. If an individual's Social Security number must be included, only the last four digits of that number should be used.

(2) Names of Minor Children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.

(3) Dates of Birth. If an individual's date of birth must be included, only the year should be used.

(4) Financial Account Numbers. If financial account numbers must be included, only the last four digits of these numbers should be used.

(5) Home Addresses. If a home address must be included, only the city and state should be listed.

(6) Tax Identification Number. If a tax identification number must be used, only the last four digits of that number should be used.

(b) A pro se party or attorney making a redacted filing also may file an unredacted copy under seal. The document must contain the following heading in the document: "SEALED DOCUMENT UNDER FED. R. CIV. P. 5.2" or "SEALED DOCUMENT UNDER FED. R. CRIM. P. 49.1," as appropriate. This document

must be retained by the court as part of the record until further court order. But the court may still require the party to file a redacted copy for the public record.

(c) The responsibility for redacting these personal identifiers rests solely with attorneys and the parties. The cClerk will not review each filing for compliance with this rule.

LR IC 7-1. NONCOMPLIANT DOCUMENTS.

The court may strike documents that do not comply with these rules.

Committee Note

Part IC incorporates (1) Special Order 108, which addresses redaction under Fed. R. Civ. P. 5.2 and Fed. R. Crim. P. 49.1, and (2) Special Order 109 and its accompanying Electronic Filing Procedures, with certain amendments. Specifically, the filing requirements that have changed since Special Orders 108 and 109 were implemented are updated. LR IC 2-2(a)(1) includes a new requirement that documents filed electronically must be in a searchable PDF format, except that exhibits and attachments that cannot be imaged in a searchable format may be scanned. The other revisions are for clarity, brevity, and readability.

Given that Special Order 109 involves technology, the committee notes the concern the rules are of a nature that they may require frequent revisions and therefore may be more appropriately included in a special order, which is relatively easy to amend. But in reviewing Special Order 109, the committee noted that little has changed in these rules since the district implemented CM/ECF in 2005. Taking that lack of change as this district's experience, the committee concluded Special Order 109 should be included in the Local Rules. If Part IC needs to be amended based on the next generation of the CM/ECF software, which is forthcoming, any amendments could be addressed in a new special order. Given that the CM/ECF software eventually will be upgraded, rather than referring to CM/ECF, proposed Part IC and the rest of the rules reference the court's electronic filing system. A generic reference to electronic filing system allows for evolving technology.

~~LOCAL RULES~~ PART II ~~– –~~ CIVIL PRACTICE

LR 1-1. SCOPE AND PURPOSE

(a) These are the Local Rules of Civil Practice for the United States District Court for the District of Nevada. These rules are promulgated under 28 U.S.C. § 2071 and Fed. R. Civ. P. 83 and apply to all civil proceedings unless the court orders otherwise. These rules will be administered in a manner to secure the just, speedy, and inexpensive determination of every action and proceeding.

(b) The court is committed to assisting attorneys and parties in reducing costs in civil cases. It is the obligation of attorneys, as officers of the court, to work toward the prompt completion of each case and to minimize the costs of discovery. These rules provide the basic tools for management of civil cases, including discovery. Effective advocacy depends on cooperative use of these rules to manage cases in a cost-effective manner.

Attorneys and litigants should consider the following non-exhaustive means for reducing costs: (1) limiting and phasing discovery; (2) using the assigned magistrate judge to resolve discovery disputes by telephone or informal conference; (3) using pre-discovery alternative dispute resolution, including, if appropriate, a pre-discovery early settlement conference with a magistrate judge; (4) consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73; and (5) use of the Short Trial Program, General Order 2013-1. The court will support the utilization of these tools and, if necessary, impose them when appropriate and helpful to reduce costs or more effectively manage and resolve civil cases.

(c) The court expects a high degree of professionalism and civility from attorneys. There should be no difference between an attorney's professional conduct when appearing before the court and when engaged outside it, whether in discovery or any other phase of a case.

Committee Note

LR 1-1 is a new rule created to emphasize that, just as the court should construe and administer the rules to secure the just, speedy, and inexpensive determination of every action, the parties share the responsibility to employ the rules in the same way. Consistent with other districts that have adopted aspirational rules regarding professionalism and civility in response to the perceived rise in uncivil behavior, this rule sets forth the court's expectation regarding professionalism and civility. The committee notes the concern that some parties may use the informal conference referenced in subsection (b)(2) without first participating in a meaningful meet-and-confer conference or without submitting briefing that provides meaningful discussion of case law and pertinent rules. The committee also notes the concern that this rule may encourage ex parte telephone calls to chambers. If this occurs, it will be within the discretion of the assigned magistrate judge to address this issue.

LR 3-1. CIVIL COVER SHEET.

Except in actions initiated by inmates appearing in pro se, every civil action tendered for filing in this court must shall be accompanied by a properly completed civil cover sheet.

Committee Note

LR 3-1 is amended as part of the general restyling of the rules.

LR 4-1. SERVICE AND ISSUANCE OF PROCESS.

(a) The United States Marshal is authorized to serve summons and civil process on behalf of the United States.

(b) In those cases where service of process is authorized and sought pursuant to under state and/or international procedure, the attorney counsel for the party seeking such service must shall furnish the clerk with all forms and papers needed to comply with the requirements of the state and/or international procedure. such practice.

Committee Note

LR 4-1(b) is amended to clarify that "such practice" refers to "the state or international procedure." The other amendments are part of the general restyling of the rules.

LR 5-1. PROOF OF SERVICE.

(a) All papers required or permitted to be served must shall have attached, when presented for filing, a written proof of service. The proof must shall show the day and manner of service and the name of the person served. Proof of service may be by written acknowledgment of service or certificate of the person who made service.

(b) The court may refuse to take action on any paper until a proof of service is filed. Either on its own initiative or on a motion by a party, the court may strike the unserved paper or vacate any decision made on the unserved paper.

(c) Failure to make the proof of service required by this rule does not affect the validity of the service. Unless material prejudice would result, the court may at any time allow the proof of service to be amended or supplied.

Committee Note

LR 5-1 is amended as part of the general restyling of the rules.

~~LR 5-2. FACSIMILE FILING.~~

~~Papers may be filed with the Clerk by means of telephone facsimile machine ("fax") only in cases involving the death penalty as hereinafter provided:~~

~~(a) Documents that relate to stays of execution in death penalty cases may be transmitted directly to the fax machines in the Clerk's offices in Reno or Las Vegas for filing by the Clerk when counsel considers this will serve the interests of their clients.~~

~~(b) Counsel must notify the Clerk before transmitting any document by fax. On receiving the transmitted document, the Clerk shall make the number of copies required and file the photocopies. Any document transmitted directly to the Court by fax must show service on all other parties by fax or hand delivery.~~

~~(c) When a document has been transmitted by fax and filed pursuant to this Rule, counsel must file the original document and accompanying proof of service with the Clerk within seven (7) days of the date of the fax transmission.~~

Committee Note

Former LR 5-2 (Facsimile Filing) is deleted because it is obsolete in light of the court's electronic filing system.

~~**LR 5-3. FILING OF DOCUMENTS BY ELECTRONIC MEANS.**~~

~~Documents may be filed and signed by electronic means to the extent and in the manner authorized by Special Order of the Court. A document filed by electronic means in compliance with this Local Rule constitutes a written document for the purposes of applying these Local Rules and the Federal Rules of Civil Procedure.~~

Committee Note

Former LR 5-3 (Filing of Documents by Electronic Means) is deleted because it is unnecessary in light of the addition of Part IC to the rules.

~~**LR 5-4. SERVICE OF DOCUMENTS BY ELECTRONIC MEANS.**~~

~~Documents may be served by electronic means to the extent and in the manner authorized by further Special Order of the Court. Transmission of the Notice of Electronic Filing (NEF) constitutes service of the filed document upon each party in the case who is registered as an electronic case filing user with the Clerk. Any other party or parties shall be served documents according to these Local Rules and the Federal Rules of Civil Procedure.~~

Committee Note

Former LR 5-4 (Service of Documents by Electronic Means) is deleted because it is unnecessary in light of LR IC 4-1.

~~**LR 6-1. REQUESTS FOR CONTINUANCE, EXTENSION OF TIME OR ORDER SHORTENING TIME.**~~

~~(a) Every motion requesting a continuance, extension of time, or order shortening time shall be "Filed" by the Clerk and processed as an expedited matter. Ex parte motions and stipulations shall be governed by LR 6-2.~~

~~(b) Every motion or stipulation to extend time shall inform the Court of any previous extensions granted and state the reasons for the extension requested. A request made after the expiration of the specified period shall not be granted unless the moving party, attorney, or other person demonstrates that the failure to act was the result of excusable neglect. Immediately below the title of such motion or stipulation there shall also be included a statement indicating whether it is the first, second, third, etc., requested extension, i.e.:~~

~~**STIPULATION FOR EXTENSION OF TIME TO FILE MOTIONS**~~
~~**(First Request)**~~

~~(c) The Court may set aside any extension obtained in contravention of this Rule.~~

~~(d) A stipulation or motion seeking to extend the time to file an opposition or final reply to a motion, or to extend the time fixed for hearing a motion, must state in its opening paragraph the filing date of the motion.~~

Committee Note

Former LR 6-1 (Requests for Continuance, Extension of Time or Order Shortening Time) is renumbered as LR IA 6-1.

~~**LR 6-2. REQUIRED FORM OF ORDER FOR STIPULATIONS AND EX PARTE AND UNOPPOSED MOTIONS.**~~

~~(a) Any stipulations, *ex parte* or unopposed motions requesting a continuance, extension of time, or order shortening time, and any other stipulation requiring an order shall not initially be "Filed" by the Clerk, but shall be marked "Received." Every such stipulation or ex parte or unopposed motion shall include an "Order" in the form of a signature block on which the Court or Clerk can endorse approval of the relief sought. This signature block shall not be on a separate page, but shall appear approximately one inch (1") below the last typewritten matter on the right-hand side of the last page of the stipulation or ex parte or unopposed motion, and shall read as follows:~~

~~"IT IS SO ORDERED:~~

~~[UNITED STATES DISTRICT JUDGE,~~
~~UNITED STATES MAGISTRATE JUDGE,~~
~~UNITED STATES DISTRICT COURT CLERK]~~

~~(whichever is appropriate)~~

~~DATED: _____"~~

~~(b) Upon approval, amendment or denial, the stipulation or ex parte or unopposed motion shall be filed and processed by the Clerk in such manner as may be necessa~~

Committee Note

Former LR 6-2 (Required Form of Orders for Stipulations and Ex Parte and Unopposed Motions) is renumbered as LR IA 6-2.

LR 6-1. ADDITIONAL TIME AFTER SERVICE BY ELECTRONIC MEANS

When there is a right or requirement to do some act or undertake some proceeding within a prescribed period after service and the notice or paper other than process is served through the

court's electronic filing system, three~~3~~ days are added after~~to~~ the prescribed period would otherwise expire.

Committee Note

The purpose of this amendment is to make clear that three days are added after a prescribed period would otherwise expire when a document is served electronically. This rule is added in parallel with LR IC 4-1(a) (existing Special Order 109, Electronic Filing Procedures, paragraph six). Fed. R. Civ. P. 6(d), when read in conjunction with Fed. R. Civ. P. 5(b)(2)(E) and LR IC 4-1(a), authorizes the addition of three days to a prescribed period when a document is served electronically. No local rule addresses the three-day period expressly, and unless a party reviewed LR IC 4-1(a), the party would not know whether the electronic service met the requirements of Fed. R. Civ. P. 5(b)(2)(E). To be effective, electronic service must be consented to by the opposing party.

LR 7-1. STIPULATIONS.

(a) Stipulations relating to proceedings before the Ccourt, except stipulations made in open Ccourt that are noted in the Cclerk's minutes or the court reporter's notes, muststall be in writing, and signed by allthe parties who have appeared or their attorneys.or counsel for the parties to be bound, and served on all parties who have appeared.

(b) No stipulations relating to proceedings before the Ccourt, except those set forth in Fed. R. Civ. P. 29, areshall be effective until approved by the Ccourt. Any stipulation that would interfere with any time set for completion of discovery, for hearing of a motion, or for trial, may be made only with the approval of the Court.

(c) A dispositive stipulation, which that has been signed by fewer than all the parties or their counselattorneys, willshall be treated——and must be filed——as a joint motion.

(d) The Cclerk has authority to approve the stipulations described in LR 77-1.

(e) Stipulations must be in the form required by LR IA 6-2.

Committee Note

LR 7-1(b) is amended to make clear that all stipulations, except those made under Fed. R. Civ. P. 29, require court approval. Subsection (c) is amended to make clear that a stipulation requires the signature of all parties or their attorneys; otherwise, it will be treated as a joint motion. Subsection (e) is added in parallel with LR IA 6-2. The other amendments are for clarity, brevity, and readability and were made as part of the general restyling of the rules.

LR 7.1-1. CERTIFICATE OFAS TO INTERESTED PARTIES.

(a) Unless the court orders otherwise ordered, in all cases except habeas corpus cases, pro se parties and attorneys counsel for private non-governmental) parties muststall identify in the disclosure statement required by Fed. R. Civ. P. 7.1 all persons, associations of persons, firms, partnerships or corporations (including parent corporations) thatwhich have a direct, pecuniary interest in the outcome of the case.

The Ddisclosure statement muststall include the following certification:

"The undersigned, pro se party or attorneycounsel of record for ——_____, certifies that the following may have an direct, pecuniary interest in the outcome of this case: (here list the names of all such parties and identify their connection and interests.) These representations are made to enable judges of the Ccourt to evaluate possible disqualifications or recusal.

Signature, Pro Se Party or Attorney of Record for _____."

(b) If there are no known interested parties other than those participating in the case, a statement to that effect will satisfy this Rrule.

(c) A party must file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. A party must promptly file a supplemental certification upon any change in the information that this Rrule requires.

Committee Note

LR 7.1-1(a) is amended to make clear that the parties required to be identified in the disclosure statement are those who have a direct, pecuniary interest in the case's outcome. LR -7.1-1(a) is further amended to make clear that this rule applies to pro se parties. Subsection (c) adds a deadline for filing the disclosure statement. The other amendments are made as part of the general restyling of the rules.

LR 7-2. MOTIONS.

(a) All motions, unless made during a hearing or trial must, mustshall be in writing and served on all other parties who have appeared. The motion mustshall be supported by a memorandum of points and authorities. The motion and supporting memorandum of points and authorities must be combined into a single document that complies with the page limits in LR 7-3.

(b) Unless the court orders otherwise ordered by the Court, the time for filing a motion for summary judgment is governed by Fed. R. Civ. P. 56(b). The deadline to file and serve any points and authorities in response to a motion for summary judgment is 21 days after service of the motion. The deadline to file and serve any reply in support of the motion is 14 days after service of the response. For all other motions, the deadline to file and serve any points and authorities in response to the motion is shall be filed and served by an opposing party fourteen (14) days after service of the motion. The deadline to file and serve any reply in support of the motion is seven7 days after service of the response. Surreplies are not permitted without leave of court; motions for leave to file a surreply are discouraged.

(c) Unless otherwise ordered by the Court, reply points and authorities shall be filed and served by the moving party seven (7) days after service of the response.

(c) Motions for summary judgment are also governed by LR 56-1. Motions for reconsideration of interlocutory orders are also governed by LR 59-1.

(d) The failure of a moving party to file points and authorities in support of the motion shall constitutes a consent to the denial of the motion. The failure of an opposing party to file points and authorities in response to any motion, except a

motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, ~~shall~~ constitutes a consent to the granting of the motion.

~~(e) The time for filing of a motion of summary judgment shall be governed by Federal Rules of Civil Procedure 56(b). A party opposing the motion must file a response within twenty-one (21) days after the motion is served or a responsive pleading is due, whichever is later. The movant may file a reply within fourteen (14) days after the response is served.~~

(e) The procedure for requesting oral argument on a motion is set forth in LR 78-2.

(f) ~~Any proposed order prepared by counsel at the Court's request shall be served on all parties who have appeared in the action prior to submitting the proposed order to the Court.~~ If the court instructs a prevailing party to file a proposed order, the prevailing party must serve the proposed order on all opposing parties or attorneys for approval as to form ~~conforming to the court's order~~. The opposing parties (or, if represented by counsel, their attorneys) then have three days to notify the prevailing party of any reason for disapproval; failure to notify the prevailing party within three days of any reason for disapproval will be deemed an approval.~~Within 3 days of service, the opposing parties or attorneys must notify the prevailing party of the reasons for disapproval. An opposing party's failure to notify the prevailing party within 3 days will be deemed an approval.~~ The prevailing party must then file the order with the word PROPOSED in the title and must certify to the court that it ~~In the proposed order, the prevailing party must certify to the court that it~~ served the proposed order and that three~~3~~ days have passed and state any reasons for disapproval received (or that none were received). Opposing parties who have timely served reasons for disapproval may ~~must~~ file a competing proposed order~~s, if any,~~ within three~~3~~ days of being served with notice that the prevailing party filed its ~~'s~~ proposed order.

(g) Supplementation prohibited without leave of court. A party may not file supplemental pleadings, briefs, authorities, or evidence without leave of court granted for good cause. The judge may strike supplemental filings made without leave of court.

Committee Note

LR 7-2 is changed in several ways. The amendments to subsection (a) make clear that a motion and memorandum of points and authorities must be combined into one document. Subsection (b) is amended for clarity and readability. Additionally, subsection (b) states the local practice not to permit surreplies. The amendment to subsection (d) excludes Fed. R. Civ. P. 56 motions from those that automatically may be granted if unopposed, consistent with the 2010 revisions to Fed. R. Civ. P. 56 and *Heinemann v. Satterberg*, 731 F.3d 914 (9th Cir. 2013). It also excludes motions for attorney's fees from those that automatically may be granted if unopposed, consistent with *Gates v. Deukmejian*, 987 F.2d 1392, 1401 (9th Cir. 1992) (stating that the district court has a duty "to independently review [a] fee request even absent . . .

objections"). Subsection (f) is amended to make clear that prevailing parties must provide opposing parties with advanced review and an opportunity to object to a proposed order before it is filed. Subsection (g) is a new rule regarding the standard and procedure for filing supplemental pleadings, briefs, authorities, or evidence.

~~**LR 7-2.1 NOTICING THE COURT ON RELATED CASES.**~~

~~Counsel who has reason to believe that an action on file or about to be filed is related to another action on file (whether active or terminated) shall file in each action and serve on all parties in each action a notice of related cases. This notice shall set forth the title and number of each possibly related action, together with a brief statement of their relationship and the reasons why assignment to a single district judge and/or magistrate judge is desirable.~~

~~An action may be considered to be related to another action when:~~

~~(a) Both actions involve the same parties and are based on the same or similar claim;~~

~~(b) Both actions involved the same property, transaction or event;~~

~~(c) Both actions involve similar questions of fact and the same question of law and their assignment to the same district judge and/or magistrate judge is likely to effect a substantial savings of judicial effort, either because the same result should follow in both actions or otherwise; or,~~

~~(d) For any other reason, it would entail substantial duplication of labor if the actions were heard by different district judges or magistrate judges. The assigned judges will make a determination regarding the consolidation of the actions.~~

Committee Note

Former LR 7-2.1 (Noticing the Court on Related Cases) is renumbered as LR 42-1.

~~**LR 7-3. CITATIONS OF AUTHORITY.**~~

~~(a) References to an act of Congress shall include the United States Code citation, if available. When a federal regulation is cited, the Code of Federal Regulations' title, section, page and year shall be given.~~

~~(b) When a Supreme Court decision is cited, the citation to the United States Reports shall be given. When a decision of a court of appeals, a district court, or other federal court has been reported in the Federal Reporter System, that citation shall be given. When a decision of a state appellate court has been reported in the West's National Reporter System, that citation shall be given. All citations shall include the specific page(s) upon which the pertinent language appears.~~

~~(c) Electronically filed documents may contain hyperlinks to other portions of the same document and to a location on the Internet that contains a source document for a citation.~~

~~(1) Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document. The submitting party is responsible for the availability and functionality of any hyperlink.~~

~~(2) Neither a hyperlink nor any site to which it refers, shall be considered part of the official record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document. If a party wishes to make any hyperlinked material part of the record, the party must attach the material as an exhibit.~~

~~(3) The Court neither endorses nor accepts responsibility for any product, organization or content at any hyperlinked site, or at any site to which that site may be linked.~~

LR 7-34. PAGE LIMITS~~LIMITATION ON LENGTH OF BRIEFS AND POINTS AND AUTHORITIES; REQUIREMENT FOR INDEX AND TABLE OF AUTHORITIES.~~

(a) Motions for summary judgment and responses to motions for summary judgment are limited to 30 pages, excluding exhibits. Replies in support of a motion for summary judgment are limited to 20 pages.

(b) All other motions, responses to motions, and pretrial and post-trial briefs are limited to 24 pages, excluding exhibits. All other replies are limited to 12 pages, excluding exhibits.

(c) The court looks with disfavor on motions to exceed page limits, so permission to do so will not be routinely granted. A motion to file a brief that exceeds these page limits will be granted only upon a showing of good cause. A motion to exceed these page limits must be filed before the motion or brief is due and must be accompanied by a declaration stating in detail the reasons for, and number of, additional pages requested. The motion must not be styled as an ex parte or emergency motion and is limited to three~~3~~ pages in length. Failure to comply with this subsection will result in denial of the request. The filing of a motion to exceed the page limit does not stay the deadline for the underlying motion or brief. In the absence of a court order by the deadline for the underlying motion or brief, the motion to exceed page limits is deemed denied. If the court permits a longer document, the oversized document must include a table of contents and a table of authorities.

~~Unless otherwise ordered by the Court, pretrial and post-trial briefs and points and authorities in support of, or in response to, motions shall be limited to thirty (30) pages including the motion~~

~~but excluding exhibits. Reply briefs and points and authorities shall be limited to twenty (20) pages, excluding exhibits. Where the Court enters an order permitting a longer brief or points and authorities, the papers shall include a table of contents and table of authorities.~~

Committee Note

The objective of this amendment is to align the district's page limits for briefs and points and authorities to those of other district courts in the Ninth Circuit. Currently, this district has the longest page limits of any district court in the Ninth Circuit. Shortening the page limits may increase the frequency of motions to exceed page limits under subsection (c), but should conserve the resources of the court and the parties overall.

LR 7-45. ~~EX PARTE AND~~ EMERGENCY MOTIONS~~.~~

~~(a) *Ex Parte* Definition.~~
~~An *ex parte* motion or application is a motion or application that is filed with the Court, but is not served upon the opposing or other parties.~~

~~(b) All *ex parte* motions, applications or requests shall contain a statement showing good cause why the matter was submitted to the Court without notice to all parties.~~

~~(c) Motions, applications or requests may be submitted ex parte only for compelling reasons, and not for unopposed or emergency motions.~~

(a~~d~~) Written requests for judicial assistance in resolving an emergency dispute must~~shall~~ be ~~en~~titled "Emergency Motion" and be accompanied by a declaration ~~an affidavit~~ setting forth:

(1) The nature of the emergency;

(2) The office addresses and telephone numbers of movant and all affected parties; and~~,~~

(3) A statement of movant certifying that, after participation in the meet-and-confer process to resolve the dispute, ~~personal consultation and sincere effort to do so,~~ the movant has been unable to resolve the matter without ~~C~~court action. The statement also must state when and how the other affected people or entities were~~party was~~ notified of the motion or, if ~~the other party was~~ not notified, why it was not practicable to do so. If the nature of the emergency precludes a meet and confer ~~such consultation with the other party~~, the statement must~~shall~~ include a detailed description of the emergency, so ~~that~~ the ~~C~~court can evaluate whether a meet and confer ~~consultation~~ truly was precluded. ~~It shall be within the sole~~

~~discretion of the Court to determine whether any such matter is, in fact, an emergency.~~

(b) Emergency motions should be rare. A party or attorney's failure to effectively manage deadlines, discovery, trial, or any other aspect of litigation does not constitute an emergency. This rule's provisions are not intended for requests for procedural relief, e.g., a motion to extend time to file a brief or for enlargement of page limits.

(c) The court may determine whether any matter submitted as an "emergency" is, in fact, an emergency. Failure to comply with the requirements for submitting an emergency motion may result in denial of the motion.

(d) Concurrent with the emergency motion, or promptly after ~~the emergency motion~~it is filed, the moving party must advise the courtroom administrators for the assigned district judge and magistrate judge that the motion was filed.

Committee Note

LR 7-4 is changed in several ways. First, it is amended to delete the discussion of ex parte motions, which are now discussed in LR IA 7-2 (Ex Parte Communications). Subsection (a) is amended to require a declaration rather than an affidavit, consistent with the proposed meet-and-confer definition in LR IA 1-3(f) (Definitions), which requires a declaration. Subsection (a)(3) is amended in parallel with the "meet and confer" definition in LR IA 1-3(f). Subsection (b) is added to make clear what constitutes an emergency. Subsection (c) is added to emphasize that it is within the court's discretion to determine whether a matter is an emergency. Subsection (d) is added to address the practical issue that parties do not always know whether a district judge or magistrate judge will hear an emergency matter, and therefore requires parties to notify the courtroom deputy of both of the assigned judges.

~~**LR 7-6. *EX PARTE* COMMUNICATIONS.**~~

~~(a) Neither party nor counsel for any party shall make an ex parte communication with the Court except as specifically permitted by these Rules.~~

~~(b) Any unrepresented party or counsel may send a letter to the Court at the expiration of sixty (60) days after any matter has been, or should have been, fully briefed if the Court has not entered its written ruling. If such a letter has been sent and a written ruling still has not been entered one hundred twenty (120) days after the matter has been or should have been fully briefed, any unrepresented party or counsel may send a letter to the Chief Judge, who shall inquire of the judge about the status of the matter.~~

~~Copies of all such letters must be served upon all other counsel and unrepresented parties.~~

Committee Note

Former LR 7-6 (Ex Parte Communications) ~~now appears at~~is renumbered as LR IA 7-2.

LR 8-1. PLEADING JURISDICTION~~.~~

The first allegation of any complaint, counterclaim, cross-claim, third-party complaint, or petition for affirmative relief must~~shall~~ state the statutory or other basis of claimed federal jurisdiction and the facts to~~in~~ support ~~of~~ it ~~thereof~~.

Committee Note

LR 8-1 is amended as part of the general restyling of the rules.

~~**LR 10-1. FORM OF PAPERS GENERALLY.**~~

~~Papers presented for filing shall be flat, unfolded, firmly bound together at the top, pre-punched with two (2) holes, centered two-and-three-quarters inches (2 ¾ “) apart and one-half inch (½”) to five- eighths inch (⅝”) from the top edge of the paper, and on eight-and-one-half by eleven inches (8 ½” X 11”) paper. Except for exhibits, quotations, the caption, the title of the Court, and the name of the case, lines of typewritten text shall be double-spaced, and except for the title page, shall begin at least one- and-one half inches (1½”) from the top of the page. All handwriting shall be legible, and all typewriting shall be a size which is either not more than ten (10) characters per linear inch or not less than twelve (12) points for proportional spaced fonts or equivalent. All quotations longer than one (1) sentence shall be indented. All pages of each pleading or other paper filed with the Court (exclusive of exhibits) shall be numbered consecutively.~~

Committee Note

Former LR 10-1 (Form of Papers Generally) is renumbered as LR IA 10-1.

~~**LR 10-2. CAPTION, TITLE OF COURT, AND NAME OF CASE.**~~

~~The following information shall be stated upon the first page of every paper presented for filing single- spaced:~~

~~(a) The name, address, telephone number, fax number, e-mail address and Nevada State Bar number, if any, of the attorney and any associated attorney filing the paper, whether such attorney appears for the plaintiff, defendant or other party, or the name, address and telephone number of a party appearing in pro se. This information shall be set forth in the space to the left of center of the page beginning at the top of the first page. The space to the right of center shall be reserved for the filing marks of the Clerk.~~

~~(b) The title of the Court shall appear at the center of the first page at least one inch (1") below the information required by subsection (a) of this Rule, as follows:~~

~~**UNITED STATES DISTRICT COURT**~~
~~**DISTRICT OF NEVADA**~~

~~(c) The name of the action or proceeding shall appear below the title of the Court, in the space to the left of center of the paper, i.e.:~~

~~UNITED STATES OF AMERICA,)~~
~~)~~
~~Plaintiff,)~~
~~)~~
~~vs.)~~
~~)~~
~~RICHARD ROE,)~~
~~Defendant.)~~

~~(d) In the space to the right of center, there shall be inserted the docket number, which shall include a designation of the nature of the case ("CV" for civil), the division of the Court ("2 for Southern and "3" for Northern), and, except for the original pleading, the case number and the initials of the presiding district judge followed in parentheses by the initials of the magistrate judge if one has been assigned. This information shall be separated as follows: 3:05-CV-115-HDM-(RAM).~~

~~(e) Immediately below the caption and the docket number there shall be inserted the name of the paper and whenever there is more than one defendant a designation of the parties affected by it, e.g., Defendant Richard Roe's Motion for Disclosure of Confidential Informant.~~

Committee Note

Former LR 10-2 (Caption, Title of Court, and Name of Case) is renumbered as LR IA 10--2.

~~**LR 10-3. EXHIBITS.**~~

~~(a) Exhibits attached to documents filed with or submitted to the Court in paper form shall be tabbed with an exhibit number or letter at the bottom or side of the~~

~~document. Exhibits need not be typewritten and may be copies, but must be clearly legible and not unnecessarily voluminous.~~

~~(b) No more than 100 pages of exhibits may be attached to documents filed or submitted to the Court in paper form. Exhibits in excess of 100 pages shall be submitted in a separately bound appendix. Where an appendix exceeds 250 pages, the exhibits shall be filed in multiple volumes, with each volume containing no more than 250 pages. The appendix shall be bound on the left and must include a table of contents identifying each exhibit and, if applicable, the volume number.~~

~~(c) Oversized exhibits shall be reduced to eight-and-one-half by eleven inches (8 ½" x 11") unless such reduction would destroy legibility or authenticity. An oversized exhibit that cannot be reduced shall be filed separately with a captioned cover sheet identifying the exhibit and the document(s) to which it relates.~~

~~(d) Copies of cases, statutes or other legal authority shall not be attached as exhibits or made part of an appendix.~~

Committee Note

For brevity, former LR 10-3 (Exhibits) and former LCR 47-10 (Exhibits) are deleted from the Local Civil Rules and Local Criminal Rules, respectively, combined into one rule, and renumbered as LR IA 10-3.

LR 10-14. COPIES.

An attorney or ~~Counsel or persons appearing in~~ pro se party who wishes to receive a file-stamped copy of any pleading or other paper must submit ~~one (one1)~~ additional copy and, if by mail, ~~and,~~ a self-addressed, postage-paid envelope., ~~except that persons~~ A party who is granted leave to proceed in forma pauperis need not submit a self-addressed, postage-paid envelope.

Committee Note

LR 10-1 is amended for clarity and as part of the general restyling of the rules.

~~**LR 10-5. *IN CAMERA* SUBMISSIONS AND SEALED DOCUMENTS.**~~

~~(a) Papers submitted for *in camera* inspection shall not be filed with the Court, but shall be delivered to chambers of the appropriate judge, and shall include a captioned cover sheet complying with LR 10-2 that indicates the document is being submitted *in camera* and shall be accompanied by an envelope large enough for the in camera papers to be sealed in without being folded. A notice of in camera submission shall be filed pursuant to the Court's electronic filing procedures.~~

~~(b) Unless otherwise permitted by statute, rule or prior Court order, papers filed with the Court under seal shall be accompanied by a motion for leave to file those documents under seal, and shall be filed in accordance with the Court's electronic filing procedures. If papers are filed under seal pursuant to prior Court order, the papers shall bear the following notation on the first page, directly under the case number: "FILED UNDER SEAL PURSUANT TO COURT ORDER DATED _____." All papers filed under seal will remain sealed until such time as the Court may deny the motion to seal or enter an order to unseal them, or the documents are unsealed pursuant to Local Rule.~~

~~(c) The Court may direct the unsealing of papers filed under seal, with or without redactions, within the Court's discretion, after notice to all parties and an opportunity for them to be heard.~~

Committee Note

The provisions of former LR 10-5 (In Camera Submissions and Sealed Documents) now appear in LR IA 10-4 and LR IA 10-5.

LR 15-1. AMENDED PLEADINGS~~.~~

(a) Unless ~~otherwise permitted by~~ the ~~C~~court orders otherwise, the moving party must~~shall~~ attach the proposed amended pleading to a~~ny~~ motion seeking leave of the court to file an amended pleading. The proposed amended pleading must~~, so that it will~~ be complete in and of itself without reference to the superseded~~ing~~ pleading and must~~. An amended pleading shall~~ include copies of all exhibits referred to in the proposed amended~~such~~ pleading.

(b) If the court grants leave to file an amended pleading, and unless the court orders otherwise, ~~After the Court has filed its order granting permission to amend,~~ the moving party must~~shall~~ then file and serve the amended pleading.

Committee Note

Subsections (a) and (b) are amended to make clear that the granting of a motion to amend is not a formality. The phrase "unless the court orders otherwise" is added to subsection (b) to accommodate inmate civil rights cases, in which the court generally directs the clerk of the court to detach and file the proposed amended pleading, without requiring the inmate to file and serve the amended pleading.

LR 16-1. SCHEDULING AND CASE MANAGEMENT; TIME AND ISSUANCE OF SCHEDULING ORDER~~.~~

(a) In cases where a discovery plan is required, the ~~C~~court must~~shall~~ approve, disapprove, or modify the discovery plan and enter the scheduling order within ~~thirty (~~30~~)~~ days from the date the discovery plan is submitted.

(b) In actions by or on behalf of inmates under 42 U.S.C. § 1983 or the principles of *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and in forfeiture and condemnation actions, no discovery plan is required. In those~~such~~ cases, a scheduling order must~~shall~~ be entered within ~~thirty (~~30~~)~~ days after the first defendant answers or otherwise appears.

(c) The following categories of cases are~~shall be~~ governed by the entry of an order ~~setting forth~~establishing a briefing schedule and ~~such~~ other appropriate matters ~~as may be appropriate~~:

(1) Actions for review on an administrative record;

(2) Petitions for habeas corpus or other proceedings to challenge a criminal conviction of sentence;

(3) Actions brought without an attorney~~counsel~~ by a person in custody of the United States, a state, or a state subdivision;

(4) Actions to enforce or quash an administrative summons or subpoena;

(5) Actions by the United States to recover benefit payments;

(6) Actions by the United States to collect on a student loan guaranteed by the United States;

(7) Proceedings ancillary to proceedings in other courts; and~~,~~

(8) Actions to enforce an arbitration award.

(d) ~~(d)~~ In all cases, the ~~C~~court may order ~~a conference of all~~ the parties to meet and confer ~~regarding discuss the provisions of the~~to discuss a discovery plan, scheduling order, ~~briefing order setting forth a~~ briefing schedule, or any~~and such~~ other matters ~~as~~ the ~~C~~court deems appropriate.

Committee Note

LR 16-1 is amended as part of the general restyling of the rules. Subsection (d) is amended to incorporate the meet-and-confer definition from LR IA 1-3(f).

~~LR 16.1-1. PATENT PRACTICE.~~

~~LR 16.1-1. TITLE.~~

~~These are the Local Rules of Practice for Patent Cases before the United States District Court for the District of Nevada.~~

~~LR 16.1-2. SCOPE AND CONSTRUCTION.~~

~~These Rules apply to all civil actions filed in or transferred to this Court, which allege infringement of a utility patent in a complaint, counterclaim, cross-claim or third party claim, or which seek a declaratory judgment that a patent is not infringed, is invalid or is unenforceable. The Local Rules of Civil Practice for this Court shall also apply to such actions, except to the extent that they are inconsistent with these Patent Local Rules.~~

~~LR 16.1-3. MODIFICATION OF RULES.~~

~~The Court may apply all or part of these Rules to any case already pending on the effective date of these Rules. The Court may modify the obligations and deadlines of these Rules based on the circumstances of any particular case, including, without limitation, the simplicity or complexity of the case as shown by the patents, claims, products, or parties involved. Modifications may be proposed by one or more parties at the mandatory Fed. R. Civ. P. 26 (f) meeting ("Initial Scheduling Conference"), and then submitted in the stipulated discovery plan and scheduling order. Modifications also may be proposed by request upon a showing of good cause. In advance of submission of any request for a modification, the parties shall meet and confer for purposes of reaching an agreement, if possible, upon any modification.~~

~~LR 16.1-4. CONFIDENTIALITY.~~

~~Discovery and initial disclosures under these Rules cannot be withheld on the basis of confidentiality absent Court order. Not later than fourteen (14) days after the Initial Scheduling Conference, the parties shall file a proposed protective order. Pending entry of a discovery confidentiality protective order, disclosures deemed confidential by a party shall be produced with a confidential designation (e.g., "Confidential—Attorneys Eyes Only"), and the disclosure of the information will be limited to each party's outside counsel of record, including employees of outside counsel of record, and used only for litigation purposes.~~

~~LR 16.1-5. CERTIFICATION OF DISCLOSURES.~~

~~All statements, disclosures, or charts filed or served in accordance with these Rules shall be dated and signed by counsel of record. Counsel's signature shall attest that, to the best of his or her knowledge, information, and belief, formed after an inquiry that is reasonable under the circumstances, the disclosure is made in good faith and the information contained in the statement, disclosure, or chart is correct at the time it is made, and provides a complete statement of the information presently known to the party. Disclosures required by these Rules are in addition to others required under the Federal Rules of Civil Procedure.~~

~~LR 16.1-6. INITIAL DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS.~~

~~Within fourteen (14) days after the Initial Scheduling Conference pursuant to Fed. R. Civ. P. 26(f), a party claiming patent infringement shall serve on all parties a "Disclosure of Asserted Claims and Infringement Contentions." Separately for each opposing party, the Disclosure of Asserted Claims and Infringement Contentions shall contain the following information:~~

~~(a) Each claim of each patent in suit that is allegedly infringed by each opposing party, including for each claim the applicable statutory subsections of 35 U.S.C. § 271 asserted;~~

~~(b) Separately for each asserted claim, each accused apparatus, product, device, process, method, act or other instrumentality ("Accused Instrumentality") of each opposing party of which the party is aware. This identification shall be as specific as possible. Each product, device, and apparatus shall be identified by name or model number, if known. Each method or process shall be identified by name, if known, or by any product, device, or apparatus which, when used, allegedly results in the practice of the claimed method or process;~~

~~(c) A chart identifying specifically where each limitation of each asserted claim is found within each Accused Instrumentality, including for each limitation that such party contends is governed by 35 U.S.C. § 112(6), the identity of the structure(s), act(s), or material(s) in the Accused Instrumentality that performs the claimed function;~~

~~(d) For each claim which is alleged to have been indirectly infringed, an identification of any direct infringement and a description of the acts of the alleged indirect infringer that contribute to or are inducing that direct infringement. Insofar as alleged direct infringement is based on joint acts of multiple parties, the role of each such party in the direct infringement must be described;~~

~~(e) Whether each limitation of each asserted claim is alleged to be literally present or present under the doctrine of equivalents in the Accused Instrumentality;~~

~~(f) For any patent that claims priority to an earlier application, the priority date to which each asserted claim allegedly is entitled;~~

~~(g) If a party claiming patent infringement wishes to preserve the right to rely, for any purpose, on the assertion that is own apparatus, product, device, process, method, act, or other instrumentality practices the claimed invention, the party shall identify, separately for each asserted claim, each such apparatus, product, device,~~

process, method, act, or other instrumentality that incorporates or reflects that particular claim; and,

(h) If a party claiming patent infringement alleges willful infringement, the basis for such allegation.

16.1-7. DOCUMENT PRODUCTION ACCOMPANYING ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS.

With the Disclosure of Asserted Claims and Infringement Contentions, the party claiming patent infringement shall produce to each opposing party or make available for inspection and copying:

(a) Documents (e.g., contracts, purchase orders, invoices, advertisements, marketing materials, offer letters, beta site testing agreements, and third party or joint development agreements) sufficient to evidence each discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, or any public use of, the claimed invention prior to the date of application for the patent in suit. A party's production of a document as required herein shall not constitute an admission that such document evidences or is prior art under 35 U.S.C. § 102;

(b) All documents evidencing the conception, reduction to practice, design and development of each claimed invention, which were created on or before the date of application for the patent in suit or the priority date identified pursuant to LR 16.1-6(f), whichever is earlier;

(c) A copy of the file history for each patent in suit;

(d) All documents evidencing ownership of the patent rights by the party asserting patent infringement; and,

(e) If a party identifies instrumentalities pursuant to LR 6.1-6(g), documents sufficient to show the operation of any aspects or elements of such instrumentalities the patent claimant relies upon as embodying any asserted claims. The producing party shall separately identify by production number which documents correspond to each category.

LR 16.1-8. INITIAL DISCLOSURE OF NON-INFRINGEMENT, INVALIDITY, AND UNENFORCEABILITY CONTENTIONS.

Within forty-five (45) days after service of the Initial Infringement Contentions, each party opposing a claim of patent infringement shall serve on all other parties "Non-Infringement, Invalidity and Unenforceability Contentions" which shall include:

(a) A detailed description of the factual and legal grounds for contentions of non-infringement, if any, including a clear identification of each limitation of each asserted claim alleged not to be present in the Accused Instrumentality;

(b) A detailed description of the factual and legal grounds for contentions of invalidity, if any, including an identification of the prior art relied upon and where in the prior art each element of each asserted claim is found. Each prior art patent shall be identified by its number, country of origin, and date of issue. Each prior art publication shall be identified by its title, date of publication, and where feasible, author and publisher. Prior art under 35 U.S.C. § 102(b) shall be identified by specifying the item offered for sale or publicly used or known, the date the offer or use took place or the information became known, and the identity of the person or entity which made the use or which made and received the offer, or the person or entity which made the information known or to whom it was made known. Prior art under 35 U.S.C. § 102(f) shall be identified by providing the name of the person(s) from whom and the circumstances under which the invention or any part of it was derived. Prior art under 35 U.S.C. § 102(g) shall be identified by providing the identities of the person(s) or entities involved in and the circumstances surrounding the making of the invention before the patent applicant(s);

(c) Whether each item of prior art anticipates each asserted claim or renders it obvious. If obviousness is alleged, an explanation of why the prior art renders the asserted claim obvious, including an identification of any combinations of prior art showing obviousness;

(d) A chart identifying where specifically in each alleged item of prior art each limitation of each asserted claim is found, including for each limitation that such party contends is governed by 35 U.S.C. § 112(6), the identity of the structure(s), act(s), or material(s) in each item of prior art that performs the claimed function;

(e) A detailed statement of any grounds of invalidity based on 35 U.S.C. § 101, indefiniteness under 35 U.S.C. § 112(2) or failure of enablement, best mode, or written description requirements under 35 U.S.C. § 112(1); and,

(f) A detailed description of the factual and legal grounds for contentions of unenforceability, if any, including the identification of all dates, conduct, persons involved, and circumstances relied upon for the contention, and where unenforceability is based upon any alleged affirmative misrepresentation or omission of material fact committed before the United States Patent and Trademark Office, the identification of all prior art, dates of the prior art, dates of relevant conduct, and persons responsible for the alleged affirmative misrepresentation or omission of material fact.

LR 16.1-9. DOCUMENT PRODUCTION ACCOMPANYING INVALIDITY CONTENTIONS.

At the time of service of the Non-Infringement, Invalidity, and Unenforceability Contentions, each party defending against patent infringement shall also produce to each opposing party or make available for inspection and copying:

(a) Source code, specifications, schematics, flow charts, artwork, formulas, or other documentation sufficient to show the operation of any aspects or elements of an Accused Instrumentality identified by the patent claimant in its LR 16.1-6(c) chart; and,

(b) A copy or sample of the prior art identified pursuant to LR 16.1-6(b), which does not appear in the file history of the patent(s) at issue. To the extent any such item is not in English, an English translation of the portion(s) relied upon shall be produced. The producing party shall separately identify by production number which documents correspond to each category.

LR 16.1-10. RESPONSE TO INITIAL NON-INFRINGEMENT, INVALIDITY AND UNENFORCEABILITY CONTENTIONS.

Within fourteen (14) days after service of the initial Non-Infringement, Invalidity and Unenforceability Contentions, each party claiming patent infringement shall serve on all other parties its response to Non-Infringement, Invalidity and Unenforceability Contentions. The response shall include a detailed description of the factual and legal grounds responding to each contention of non-infringement, invalidity, including whether the party admits to the identity of elements in asserted prior art and, if not, the reason for such denial; and unenforceability.

LR 16.1-11. DISCLOSURE REQUIREMENT IN PATENT CASES FOR DECLARATORY JUDGMENT OF INVALIDITY.

In all cases in which a party files a complaint seeking a declaratory judgment that a patent is not infringed, is invalid, or is unenforceable, each party seeking a declaratory judgment shall serve on all other parties its initial Non-Infringement, Invalidity and Unenforceability Contentions and corresponding LR 16.1-9 document production within fourteen (14) days after the Initial Scheduling Conference.

Within forty-five (45) days after service of the initial Non-Infringement, Invalidity and Unenforceability Contentions, each party opposing the declaratory judgment shall serve on all other parties its response to these initial contentions, and if the opposing party asserts a claim for patent infringement, its initial Disclosure of Asserted Claims and Infringement Contentions, including corresponding LR 16.1-7 document production. This LR 16.1-11 shall not apply to cases in which a request for a declaratory judgment that a patent is invalid is filed in response to a complaint for infringement of the same patent.

LR 16.1-12. AMENDMENT TO DISCLOSURES.

Amendment of initial disclosures required by these Rules may be made for good cause without leave of Court anytime before the discovery cut-off date. Thereafter, the disclosures shall be final and amendment of the disclosures may be made only by order of the Court upon a timely

showing of good cause. Non-exhaustive examples of circumstances that may, absent undue prejudice to the non-moving party, support a finding of good cause, include: (a) a claim construction by the Court different from that proposed by the party seeking amendment; (b) recent discovery of material prior art despite earlier diligent search; and, (c) recent discovery of nonpublic information about the Accused Instrumentality despite earlier diligent search. The duty to supplement discovery response does not excuse the need to obtain leave of Court to amend contentions.

LR 16.1-13. EXCHANGE OF PROPOSED TERMS FOR CONSTRUCTION.

Not later than ninety (90) days after the Initial Scheduling Conference pursuant to Fed. R. Civ. P. 26(f), each party shall serve on each other party a list of patent claim terms, which that the party contends should be construed by the Court, and identify any claim term which the party contends should be governed by 35 U.S.C. § 112(6). The parties shall thereafter meet and confer for the purposes of limiting the terms in dispute by narrowing or resolving differences and facilitating the ultimate preparation of a Joint Claim Construction and Prehearing Statement. The parties shall jointly identify the terms likely to be most significant to resolving the parties' dispute, including those terms for which construction may be case or claim dispositive.

LR 16.1-14. EXCHANGE OF PRELIMINARY CLAIM CONSTRUCTIONS AND EXTRINSIC EVIDENCE.

Not later than thirty (30) days after the exchange of lists pursuant to LR 16.1-13, the parties shall simultaneously exchange proposed constructions of each term identified by either party for claim construction. Each such "Preliminary Claim Construction" shall also, for each term which any party contends is governed by 35 U.S.C. § 112(6), identify the structure(s), act(s), or material(s) corresponding to that term's function.

At the same time the parties exchange their respective Preliminary Claim Constructions, each party shall also:

(a) Identify all references from the specifications or prosecution history that support its proposed construction and designate any supporting extrinsic evidence including, without limitation, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses. Extrinsic evidence shall be identified by production number or by producing a copy if not previously produced. With respect to any supporting witness, percipient or expert, the identifying party shall also provide a description of the substance of that witness' proposed testimony that includes a listing of any opinions to be rendered in connection with claim construction; and,

(b) Schedule a time for counsel to meet and confer for the purposes of narrowing the issues and finalizing preparation of a Joint Claim Construction and Prehearing Statement.

LR 16.1-15. JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT.

Not later than forty-five (45) days after the exchange of lists pursuant to LR 16.1-13, the parties shall prepare and submit to the Court a Joint Claim Construction and Prehearing Statement, which shall contain the following information:

(a) The construction of those terms on which parties agree;

(b) Each party's proposed construction of each disputed term, together with an identification of all references from the specification or prosecution history that support that construction, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its proposed construction or to oppose any other party's proposed construction, including, but not limited to, as permitted by law, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses;

(c) An identification of the terms whose construction will be most significant to the resolution of the case. The parties shall also identify any term whose construction will be case or claim dispositive;

(d) The anticipated length of time necessary for the Claim Construction Hearing; and,

(e) Whether any party proposes to call one or more witnesses at the Claim Construction Hearing, the identity of each such witness, and for each witness, a summary of his or her testimony including, for any expert, each opinion to be offered related to claim construction. Terms to be construed by the Court shall be included in a chart that sets forth the claim language as it appears in the patent with terms and phrases to be construed in bold and include each parties' proposed construction and any agreed proposed construction.

LR 16.1-16. CLAIM CONSTRUCTION BRIEFING.

Not later than thirty (30) days after submitting to the Court the Joint Claim Construction and Prehearing Statement, the party claiming patent infringement, or the party asserting invalidity if there is no infringement issue present in the case, shall serve and file an opening claim construction brief and any evidence supporting its claim construction.

Not later than fourteen (14) days after service upon it of an opening brief, each opposing party shall serve and file its responsive brief and supporting evidence.

Not later than seven (7) days after service upon it of a responsive brief, the party claiming patent infringement, or the party asserting invalidity if there is no infringement issue present in the case, shall serve and file any reply brief and any evidence directly rebutting the supporting evidence contained in an opposing party's response.

LR 16.1-17. CLAIM CONSTRUCTION HEARING.

The Court may conduct a claim construction hearing, if it believes a hearing is necessary for construction of the claims. A party may request a hearing at the time of its briefing pursuant to LR 16.1-16.

LR 16.1-18. AMENDING CLAIM CONSTRUCTION SCHEDULE.

The claim construction schedule under this Rule may be amended with leave of Court as circumstances warrant, including the Court's decision to adjudicate issues regarding patent validity, patent enforceability or both before claim construction is necessary.

LR 16.1-19. MANDATORY SETTLEMENT CONFERENCES FOR PATENT CASES.

Mandatory settlement conferences for patent cases shall be conducted by the magistrate judge assigned to the case as follows:

(a) A Pre-Claim Construction Settlement Conference shall be held within thirty (30) days after the parties have submitted all initial disclosures and responses thereto as required under LR 16.1-6 through LR 16.1-12;

(b) A Post-Claim Construction Order Settlement conference shall be held within thirty (30) days after entry of the claim construction order;

(c) A Pretrial Settlement Conference shall be held within thirty (30) days after filing the Pretrial Order or further order of the Court.

LR 16.1-20. STAY OF FEDERAL COURT PROCEEDINGS.

The Court may order a stay of litigation pending the outcome of a reexamination proceeding before the United States Patent and Trademark Office that concerns a patent at issue in the federal court litigation. Whether the Court stays litigation upon the request of a party will depend on the circumstances of each particular case, including without limitation: (1) whether a stay will unduly prejudice or present a clear tactical disadvantage to the nonmoving party, (2) whether a stay will simplify the issues in question and the trial of the case, (3) whether discovery is complete, and (4) whether a trial date has been set.

LR 16.1-21. GOOD FAITH PARTICIPATION.

A failure to make a good faith effort to provide initial disclosures, narrow the instances of disputed claim construction terms, participate in the meet and confer process, or comply with any other of the obligations under these Rules may expose counsel to sanctions, including under 28 U.S.C. § 1927.

Committee Note

The patent practice rules, formerly LR 16.1-1 through 16.1-21, now appear in Part III (Patent Practice).

LR 16-2. PRETRIAL CONFERENCES.

Unless the court orders otherwise ~~specifically ordered~~, the ~~C~~court will not conduct pretrial conferences. A party may at any time make a written request for a pretrial conference to expedite disposition of any case, particularly one that~~which~~ is complex or in which there has been delay. ~~Pretrial conferences may be called at any time by the Court on its own initiative.~~

Committee Note

The final sentence of LR 16-2 is deleted as redundant of the phrase added to the first sentence stating "unless the court orders otherwise." The other amendments are made as part of the general restyling of the rules.

LR 16-3. ~~PRETRIAL ORDER,~~ MOTIONS IN LIMINE, PRETRIAL ORDER, AND TRIAL SETTING.

~~(a) The scheduling order may set the date for submitting the joint pretrial order, if required by the Court.~~

(a~~b~~) Motions in limine will not be considered unless the movant attaches a statement certifying that the parties have participated in the meet-and-confer process and have been unable to resolve the matter without court action. Motions in limine must identify the particular evidence or argument to be excluded and state the constitutional, statutory, or regulatory reasons why the evidence is inadmissible or the argument is inappropriate. Unless ~~otherwise ordered by~~ the ~~C~~court orders otherwise, motions in limine are due ~~thirty (~~30~~)~~ days before~~prior to~~ trial. ~~Oppositions shall~~Responses must be filed and served ~~and the motion submitted for decision fourteen (~~no later than 14~~)~~ days ~~there~~after service of the motion. Replies will be allowed only with leave of the ~~C~~court.

(b~~c~~) Upon the initiative of a ~~counsel for plaintiff~~pro se~~o~~ plaintiff or plaintiff's attorney, ~~counsel~~ the attorneys or parties who will try the case and who are authorized to make binding stipulations must~~shall~~ personally discuss settlement and prepare and ~~lodge with the Court~~file a proposed joint pretrial order containing the following:

(1) A concise statement of the nature of the action and the parties' contentions ~~of the parties~~;

(2) A statement of the basis for this~~as to the~~ court's jurisdiction ~~of the Court~~ with specific legal citations;

(3) A statement of all uncontested facts deemed material in the action;

(4) A statement of the contested issues of fact in the case as agreed upon by the parties;

(5) A statement of the contested issues of law in the case as agreed upon by the parties;

(6) Plaintiff's statement of any other issues of fact or law deemed to be material;

(7) Defendant's statement of any other issues of fact or law deemed to be material;

(8) Lists or schedules of all exhibits that will be offered in evidence by the parties at the trial. ~~Such~~ The lists or schedules must~~shall~~ describe the exhibits sufficiently for ready identification and:

(A) Identify the exhibits the parties agree can be admitted at trial; and~~,~~

(B) List those exhibits to which objection is made and state the grounds ~~therefore~~for the objection. Stipulations on~~as to~~ admissibility, authenticity, and/or identification of documents should ~~shall~~ be made whenever possible;

(9) A statement by each party of whether they intend to present evidence in electronic format to jurors for purposes of jury deliberations. Parties should consult the court's website or contact the assigned judge's courtroom administrator for instructions on~~about~~ how to prepare evidence in electronic format and other requirements;

(10) A statement by each party identifying any depositions intended to be offered at the trial, except for impeachment purposes, and designating the portions of the deposition to be offered;

(11~~0~~) A statement of the objections, and the grounds for them~~therefore~~, to deposition testimony the opposing party has designated;

(12~~1~~) A list of witnesses, with their addresses, who may be called at the trial. The ~~Such~~ list may not include witnesses whose identities were not, but should have been, revealed in response to permitted discovery unless the ~~C~~court, for good cause and on such conditions as are just, ~~otherwise~~ orders otherwise; and~~,~~

(13~~2~~) A list of motions in limine filed, if any.

(cd) Unless ~~Except when~~ offered for impeachment purposes, no exhibit ~~shall~~ will be received and no witnesses ~~shall~~ will be permitted to testify at the trial unless listed in the pretrial order. However, for good cause shown, the ~~C~~court may allow an exception to this provision.

Committee Note

LR 16-3 changed in several ways. Subsection (a) creates a new rule requiring parties to meet and confer before filing motions in limine. The objective is to discourage parties from filing motions in limine that will be unopposed or that are otherwise unnecessary, for instance, motions in limine requesting the court to exclude irrelevant evidence. If the parties engage in a meet-and-confer conference, these types of motions should be eliminated. Eighth Judicial District Court Rule 2.47 requires a meet-and-confer conference before filing motions in limine, so this requirement already will be part of many Nevada attorneys' current practice.

The committee notes some attorneys' concerns regarding the efficacy of a meet-and-confer conference on motions in limine regarding matters of law, expert testimony, or in cases involving pro se parties. The committee further notes concerns regarding the increased expenses associated with holding a meet-and-confer conference on motions in limine. But the committee determined the global savings in judicial resources currently expended on deciding numerous unnecessary motions in limine outweighs any inconvenience. To minimize additional expenses for the parties, the meet and confer could take place at the same time the parties meet to discuss the proposed joint pretrial order.

The committee takes no position on whether the rule should require motions in limine to be filed in an omnibus fashion, which some judges find to be more efficient. Other judges prefer that motions in limine be filed separately for ease of tracking in the court's electronic filing system which motions have been granted or denied and which will be decided in the context of the evidence presented at trial. The decision whether to require omnibus motions in limine is left to the discretion of the judge in each case. Parties are advised to consult their assigned district judge's standing order for further instructions.

Subsection (b) is revised to use "file" rather than "lodge" to conform the rule to the local practice of filing proposed joint pretrial orders.

Subsection (b)(9) requires parties to state in their proposed joint pretrial order whether they intend to present evidence in an electronic format at trial for jurors to use during jury deliberations. The objective is to bring the issue to the court's attention so appropriate arrangements may be made for the parties to use the court's electronic jury evidence display system. The rule requires parties to contact the assigned judge's courtroom administrator for information regarding the electronic jury evidence display system rather than listing the technical requirements in the rule because this allows for evolving technology. LR 16-4 (Form of Pretrial Orders) and 26-1(b)(9) (Discovery Plans and Mandatory Disclosures) are amended in parallel with subsection (c)(9).

The remaining amendments to LR 16-3 are for clarity, brevity, and readability and are made as part of the general restyling of the rules.

LR 16-4. FORM OF PRETRIAL ORDER.

Unless the court orders otherwise~~otherwise ordered~~, the pretrial order must~~shall~~ be in the following format:

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

_____, Plaintiff~~,~~	)	CASE NO.
vs.	)	
_____, Defendant~~.~~	)	PRETRIAL ORDER

After~~Following~~ pretrial proceedings in this case~~cause~~,

IT IS ORDERED:

I.

This is an action for: [~~(~~State nature of action, relief sought, identification and contentions of parties.]~~)~~

II.

Statement of jurisdiction: ~~-~~[~~(~~State the facts and cite the statutes that~~which~~ give this ~~C~~court jurisdiction of the c~~C~~ase.]~~)~~

III.

The following facts are admitted by the parties and require no proof:

_____

_____

_____

IV.

The following facts, though not admitted, will not be contested at trial by evidence to the contrary:

_____
_____
_____

V.

The following are the issues of fact to be tried and determined at~~upon~~ trial.[1] [~~(~~Each issue of fact must be stated separately and in specific terms.]~~)~~

_____
_____
_____

VI.

The following are the issues of law to be to be tried and determined at~~upon~~ trial.[2] [~~(~~Each issue of law must be stated separately and in specific terms.]~~)~~

_____
_____
_____

(a) The following exhibits are stipulated into evidence in this case and may be so marked by the ~~C~~clerk:

(1) Plaintiff's exhibits.

(2) Defendant's exhibits.

(b) As to the following additional exhibits, the parties have reached the stipulations stated:

(1) Set forth stipulations on~~as to~~ plaintiff's exhibits.

(2) Set forth stipulations on~~as to~~ defendant's exhibits.

(c) As to the following exhibits, the party against whom the same will be offered objects to their admission ~~up~~on the grounds stated:

(1) Set forth objections to plaintiff's exhibits.

(2) Set forth objections to defendant's exhibits.

---

[1] Should the attorneys or parties~~counsel~~ be unable to agree ~~up~~on the statement of issues of fact, the joint pretrial order should include separate statements of issues of fact to be tried and determined upon trial.

[2] Should the attorneys or parties~~counsel~~ be unable to agree ~~up~~on the statement of issues of law, the joint pretrial order should include separate statements of issues of law to be tried and determined upon trial.

(d) Electronic evidence: [~~(~~State whether the parties intent to present electronic evidence for purposes of jury deliberations.]~~)~~

(e) Depositions:

(1) Plaintiff will offer the following depositions:~~-~~ [~~(~~Indicate name of deponent and identify portions to be offered by pages and lines and the party or parties against whom offered.]~~)~~

(2) Defendant will offer the following depositions: [~~(~~Indicate name of deponent and identify portions to be offered by pages and lines and the party or parties against who offered.]~~)~~

(f~~e~~) Objections to Depositions:

(1) Defendant objects to plaintiff's depositions as follows:

_____
_____
_____

(2) Plaintiff objects to defendant's depositions as follows:

_____
_____
_____

VII~~I~~.

The following witnesses may be called by the parties at~~upon~~ trial:

(a) Provide~~State~~ names and addresses of plaintiff's witnesses.

(b) Provide~~State~~ names and addresses of defendant's witnesses.

VIII~~IX~~.

The attorneys or parties ~~Counsel~~ have met and jointly offer these ~~herewith submit a list of three (three3) agreed-upon~~ trial dates:

_____ _____ _____

It is expressly understood by the undersigned that the ~~C~~court will set the trial of this matter on ~~one (one1)~~ of the agreed-upon dates if possible; if not, the trial will be set at the convenience of the ~~C~~court's calendar.

IX.

It is estimated that the trial ~~herein~~ will take a total of _____ days.

APPROVED AS TO FORM AND CONTENT:

_____
Signature of Attorney for Plaintiff or Pro Se Plaintiff

_____
Signature of Attorney for Defendant or Pro Se Defendant

X~~I~~.

ACTION BY THE COURT

~~(a)~~ This case is set ~~down~~ for ~~C~~court/jury trial on the fixed/stacked calendar on _____. Calendar call will~~shall~~ be held on _____.

~~(b) An original and two (2) copies of each trial brief shall be submitted to the Clerk on or before~~
~~_____.~~

~~(c) Jury trials:~~

~~(1) An original and two (2) copies of all instructions requested by either party shall be submitted to the Clerk for filing on or before~~
~~_____.~~

~~(2) An original and two (2) copies of all suggested questions of the parties to be asked of the jury panel by the Court on *voir dire* shall be submitted to the Clerk for filing on or before~~
~~_____.~~

~~(d) Court trials:~~

~~Proposed findings of fact and conclusions of law shall be filed on or before~~
~~_____.~~

~~The foregoing~~This pretrial order has been approved by the parties to this action as evidenced by their signatures or the signatures of their attorneys ~~of their counsel~~ hereon, and the order is hereby entered and will govern the trial of this case. This order may~~shall~~ not be amended except by court order ~~order of the Court pursuant to~~and based upon the parties' agreement ~~of the parties~~ or to prevent manifest injustice.

DATED: _____.

_____

UNITED STATES DISTRICT JUDGE or
UNITED STATES MAGISTRATE JUDGE

Committee Note

LR 16-4 is amended in parallel with LR 16-3 (Pretrial Order) to require parties to include a statement of whether they intend to present evidence in an electronic format to jurors for the purpose of jury deliberations. Former subsections XI (b)-(d) are deleted because they are obsolete in light of the court's electronic filing system and individual judges' chambers practices. The remaining revisions are for clarity, brevity, and readability.

LR 16-5. SETTLEMENT CONFERENCE AND ALTERNATIVE METHODS OF DISPUTE RESOLUTION.

The Ccourt may, in its discretion and at any time, set any appropriate civil case for settlement conference, summary jury trial, or other alternative method of dispute resolution (ADR) and may propose that the parties participate in the Short Trial Program (General Order 2013-01).

The court's ADR process is confidential. Unless otherwise agreed by the parties or ordered by the court, no disclosure may be made to anyone, including the judicial officer to whom the case is assigned, of any confidential dispute-resolution communication that in any respect reveals the parties' dispute-resolution positions, or the evaluating magistrate judge's advice or opinions. Confidential dispute-resolution communications will not be admissible in any subsequent proceeding except as permitted by the Federal Rules of Evidence. In the event of a dispute to enforce a settlement agreement, the court may order the disclosure of confidential information.

Committee Note

The phrase "in its discretion and at any time" is deleted from the first sentence of the rule because it is unnecessary. The first sentence further is amended to make clear that participation in the Short Trial Program is voluntary. The second paragraph is added under 28 U.S.C. § 652(d), which requires district courts to adopt local rules providing for the confidentiality of alternative dispute-resolution processes.

LR 16-6. EARLY NEUTRAL EVALUATION.

(a) All employment--discrimination actions filed in this Ccourt must undergo early neutral evaluation as defined by this Rrule. The purpose of the early neutral evaluation session is for the evaluating magistrate judge to give the parties a candid evaluation of the merits of their claims and defenses. For purposes of this Rrule, "employment--discrimination action" includes actions filed under the following statutes: Title VII of the Civil Rights –Act of 1964, as amended,; 42 U.S.C. § 2000e, *et seq.*; Title I of the Americans With Disabilities Act, as amended, 42 U.S.C. § 12101, *et seq.*; prohibition of employment discrimination

under 42 U.S.C. § 1981; Age Discrimination in Employment Act, 29 U.S.C. § 626, *et seq.*; Equal Pay Act, 29 U.S.C. § 206; Genetic Information Non-Discrimination Act of 2008, 42 U.S.C. § 2000ff, *et seq.*; Vocational Rehabilitation Act of 1973, 29 U.S.C. § 794; and under 42 U.S.C. § 1983, if the complaint alleges discrimination in employment on the basis of race, color, gender, national origin, and/or religion.

(b) If In the event an action is not initially assigned to the Early Neutral Evaluation Program, an action must be assigned to the pProgram upon the filing by any party of a notice stating that action falls under one or more of the statutes listed in LR 16-6 (a).

(c) A Mmotions for exemption relief from the Eearly Nneutral Eevaluation Program must be filed not later thanwithin seven (seven) days ofafter the appearance in the case of the moving party or entry of an order pursuant tounder LR 16-1(b), whichever occurs later. A response to the motion for relief from early neutral evaluationexemption must be filed within fourteen (14) days after service of the original motion. ANo reply will not be allowed. Motions filed under LR 16-6(c) are not subject to the requirements of LR 7-2. The evaluating magistrate judge hasshall have final authority to grant or deny any motion requesting exemption from early neutral evaluationthe program and may exempt any case from early neutral evaluation on the judge's own motion. TheseSuch orders are not appealable.

(d) Unless good cause is shown, the early neutral evaluation session mustshall be held by the Ccourt not later than ninety (90) days after the first responding party appears in the case.

(e) Unless excused by the evaluating magistrate judge, the parties with authority to settle the case and their attorneys mustcounsel shall attend the early neutral session in person.

(f) Parties mustshall submit their written evaluation statements to the chambers of the evaluating magistrate judge their written evaluation statements by 4:00 p.m. seven (seven) days beforeprior to the early evaluation hearingsession. The written evaluation statement mustshall not be filed with the Cclerk or served on the opposing parties.

(1) Evaluation statements mustshall be concise and mustshall:

(A) Identify by name or status the person(s) with decision-making authority, who, in addition to the attorneycounsel, will attend the early neutral evaluation session as representative(s) of the party, and persons connected with a party opponent (including an insurer representative) whose presence might substantially improve the

utility of the early neutral evaluation session or the prospects of settlement;

(B) Describe briefly the substance of the suit, addressing the party's views on the key liability and damages issues ~~and damages~~;

(C) Address whether there are legal or factual issues whose early resolution would reduce significantly the scope of the dispute or contribute~~s~~ to settlement negotiations;

(D) Describe the history and status of settlement negotiations; ~~and,~~

(E) Include copies of documents, pictures, recordings, etc. out of which the suit arose, or whose availability would materially advance the purposes of the evaluation session~~,~~ ~~((~~e.g., medical reports, documents by which special damages might be determined~~).);~~

(F) Discuss the strongest and weakest points of your case, both factual and legal, including a candid evaluation of the merits of your case;

(G) Estimate the costs (including attorney's fees and costs) of taking this case through trial;

(H) Describe the history of any settlement discussions~~,~~ and detail the demands and offers that have been made~~,~~ and the reason settlement discussions have been unsuccessful; and

(I) Certify that the party has made initial disclosures under Fed. R. Civ. P. 26(a)(1)~~,~~ and that the plaintiff has provided a computation of damages to the defendant under Fed. R. Civ. P. 26(a)(1)(A)(iii).

(2) Each evaluation statement must~~shall~~ remain confidential unless a party gives the ~~C~~court permission to reveal some or all of the information ~~contained within~~in the statement during the ~~Early Neutral Evaluation process~~session. The parties should consider whether it would be beneficial to exchange non-confidential portions of the evaluation statement.

(g) Each evaluating magistrate judge must~~shall~~:

(1) Permit each party (through an attorney ~~counsel~~ or otherwise), orally and through documents or other media, to present its claims or defenses and to describe the principal evidence on which they are based;

(2) Assist the parties to identify areas of agreement and, where feasible, enter stipulations;

(3) Assess the relative strengths and weaknesses of the parties' contentions and evidence, and carefully explain the reasoning that supports themse;

(4) When appropriate, assist the parties through private caucusing or otherwise, to explore the possibility of settling the case;

(5) Estimate, where feasible, the likelihood of liability and the range of damages;

(6) Assist the parties toin deviseing a plan for expediting discovery, both formal and informal, in order to enter into meaningful settlement discussions or to position the case for disposition by other means;

(7) Assist the parties to realistically assess litigation costs; and,

(8) Determine whether some form of follow-up to the session would contribute to the case--development process or promoteto settlement.

(h) The eEarly nNeutral eEvaluation process is subject to the confidentiality provision of LR 16-5.

Committee Note

LR 16-6(c) is amended to delete the sentence stating "[m]otions filed under LR 16-6(c) are not subject to the requirements of LR 7-2." It is unclear which requirements of LR 7-2 this sentence refers to, and it is the committee's view that motions filed under LR 16-6(c) should be subject to service requirements and page limits set forth in LR 7-2. Subsections (f)(1)-(2) include additional topics to be discussed in evaluation statements. The objective is to facilitate resolution during the early stages of the case by requiring parties to candidly evaluate additional aspects of their cases. Subsection (h) is amended in parallel with the confidentiality provisions of LR 16-5.

LR 22-1. INTERPLEADER ACTIONS.

In all interpleader actions, no discharge will be granted and no plaintiff will be dismissed prior tobefore the scheduling conference provided for inunder LR 22-2.

LR 22-12. SCHEDULING CONFERENCES FOR INTERPLEADER ACTIONS.

In all interpleader actions, the plaintiff must file a motion requesting that the Ccourt set a scheduling conference. The motion must be filed within thirty (30) days after the first defendant

answers or otherwise appears. At the scheduling conference, the plaintiff must~~will~~ advise the ~~C~~court about~~as to~~ the status of service on all defendants who have not appeared. In addition, the ~~C~~court and parties will develop a briefing schedule or discovery plan and scheduling order for resolving the parties' competing claims. If the plaintiff fails to prosecute the interpleader action by failing to file the motion required by this ~~Local R~~rule, the ~~C~~court may dismiss the action. No discharge will be granted and no plaintiff will be dismissed before the scheduling conference takes place.

Committee Note

Former LR 22-1 and LR 22-2 are combined into one rule for clarity and brevity. LR 22-1 further is amended as part of the general restyling of the rules.

LR 26-1. DISCOVERY PLANS AND MANDATORY DISCLOSURES~~.~~

~~(a) [Repealed December 1, 2000. See Fed. R. Civ. P. 26(a).]~~

~~(b) [Repealed December 1, 2000. See Fed. R. Civ. P. 26(g)(1).]~~

~~(c) [Repealed December 1, 2000. See Fed. R. Civ. P. 26(e).]~~

(a~~d~~) Fed. R. ~~C~~Civ. P. 26(f) Meeting; Filing and Contents of Discovery Plan and Scheduling Order.

The pro se plaintiff or plaintiff's attorney must ~~Counsel for plaintiff shall~~ initiate the scheduling of the conference required by Fed. R. Civ. P. 26(f) to be held~~conference meeting~~ within ~~thirty (~~30~~)~~ days after the first defendant answers or otherwise appears. Fourteen~~(14)~~ days after the mandatory Fed. R. Civ. P. 26(f) conference, the parties must~~shall~~ submit a stipulated discovery plan and scheduling order. The plan must~~shall~~ be ~~in such form so as~~formatted to permit the plan, once the ~~C~~court~~'s~~ approves~~al of it~~thereof, to become the scheduling order required by Fed. R. Civ. P. 16(b). If the plan sets deadlines within those specified in LR 26-1(b~~e~~), the plan must~~shall~~ state on its face in bold type, "SUBMITTED IN COMPLIANCE WITH LR 26-1(b~~e~~)." If longer deadlines are proposed~~sought~~, the plan must~~shall~~ state on its face "SPECIAL SCHEDULING REVIEW REQUESTED." Plans requesting special scheduling review must~~shall~~ include, in addition to the information required by Fed. R. Civ. P. 26(f) and LR 26-1(b~~e~~), a statement of the reasons why longer or different time periods should apply to the case or, in cases in which the parties disagree on~~as to~~ the form or contents of the discovery plan, a statement of each party's position on each point in dispute.

(b~~e~~) Form of Stipulated Discovery Plan and Scheduling Order~~;~~~~,~~ Applicable Deadlines. The discovery plan must~~shall~~ include, in addition to the information required by Fed. R. Civ. P. 26(f), the following information:

(1) Discovery Cut-Off Date. The plan mustshall state the date the first defendant answered or otherwise appeared, the number of days required for discovery measured from thatthe date the first defendant answers or otherwise appears, and shall give the calendar date on which discovery will close. Unless the court orders otherwiseotherwise ordered, discovery periods longer than one hundred eighty (180) days from the date the first defendant answers or appears will require special scheduling review;

(2) Amending the Pleadings and Adding Parties. Unless the discovery plan otherwise provides and the Ccourt so orders, the deadline forate of filing motions to amend the pleadings or to add parties shall bemust not be not later thanis ninety (90) days beforeprior to the close of discovery. The plan mustshould state the calendar dates on which these amendments will fallare due;

(3) Fed. R. Civ. P. 26(a)(2) Disclosures (Experts). Unless the discovery plan otherwise provides and the Ccourt so orders, the time deadlines specified in Fed. R. Civ. P. 26(a)(2)(DC) for expert disclosures concerning experts are modified to require that the disclosures be made sixty (60) days before the discovery cut-off date and that rebuttal-expert disclosures respecting rebuttal experts be made thirty (30) days after the initial disclosure of experts. The plan mustshould state the calendar dates on which these exchanges will fallare due;

(4) Dispositive Motions. Unless the discovery plan otherwise provides and the Ccourt so orders, the deadlineate for filing dispositive motions must notshall be not later thanis thirty (30) days after the discovery cut-off date. The plan mustshould state the calendar dates on which these dispositive motions arewill fall due;

(5) Pretrial Order. Unless the discovery plan otherwise provides and the Ccourt so orders, the deadline for the joint pretrial order must notshall be filed not later thanis (30) days after the date set for filing dispositive-motion deadlines. IfIn the event dispositive motions are filed, the deadlineate for filing the joint pretrial order willshall be suspended until thirty (30) days after decision onof the dispositive motions or further court order of the Court;

(6) Fed. R. Civ. P. 26(a)(3) Disclosures. Unless the discovery plan otherwise provides and the Ccourt so orders, the disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections to them mustthereof shall be included in the joint pretrial order; and,

(7) Alternative Dispute Resolution. The parties must certify that they met and conferred aboutregarding the possibility of using alternative dispute-

resolution processes including mediation, arbitration, and if applicable, early neutral evaluation;

(8) Alternative Forms of Case Disposition. The parties must certify that they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order 2013-01);

(9) Electronic Evidence. In cases in which a jury trial has been demanded, the parties must certify that they discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberations. The plan must state any stipulations the parties reached regarding providing discovery in an electronic format compatible with the court's electronic jury evidence display system. Parties should consult the court's website or contact the assigned judge's courtroom administrator for instructions about how to prepare evidence in an electronic format and other requirements for the court's electronic jury evidence display system; and

(10) Form of Order. All discovery plans mustshall include on the last page of the plan thereof the words "IT IS SO ORDERED" with a date and signature block for the judge in the manner set forth in LR IA 6-2.

(cf) Unless the court orders otherwise ordered, subsections Local Rule 26-1(ad) and (be) do not apply to interpleader actions. The procedures in Llocal Rrulesrules LR 22-1 and 22-2 will govern all interpleader actions.

Committee Note

LR 26-1 is changed in several ways. In subsections (b)(2)-(4), the term "should" is replaced with "must" to provide certainty regarding deadlines. In subsection (b)(3), the citation to Fed. R. Civ. P. 26(a)(2)(C) is changed to Fed. R. Civ. P. 26(a)(2)(D). Subsections (b)(7)-(8) are new rules under 28 U.S.C. § 652(a), which requires district courts to adopt local rules requiring parties in civil cases to consider the use of an alternative dispute-resolution process. Subsection (b)(9) is amended in parallel with LR 16-3 (Pretrial Order) and LR 16-4 (Form of Pretrial Orders) to accommodate the court's electronic jury evidence display system. The objective is to require parties to discuss whether they intend to present evidence in an electronic format to jurors and to encourage parties to exchange discovery in an electronic format compatible with the court's electronic jury evidence display system, which would streamline trial preparation. The remaining amendments are for clarity, brevity, and readability and are made as part of the general restyling of the rules.

LR 26-2. TIME FOR COMPLETION OF DISCOVERY WHEN NO SCHEDULING ORDER IS ENTERED.

Unless the court orders otherwise ordered, in cases where no discovery plan is required, discovery mustshall be completed within one hundred eighty (180) days from the time the first defendant answers or otherwise appears.

Committee Note

LR 26-2 is amended as part of the general restyling of the rules.

LR 26-3. INTERIM STATUS REPORTS.

Not later than sixty (60) days before the discovery cut-off, the parties shall submitmust file an interim status report stating the time they estimate will be required for trial, giving three (3) alternative available trial dates, and stating whether, in the opinion of counsel the attorneys or pro se parties who will try the case, trial will be eliminated or its length affected by substantive motions. The parties must certify that they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, use of the Short Trial Program (General Order 2013-01), and the use of alternative dispute-resolution processes including mediation, arbitration, and early neutral evaluation. This status report mustshall be signed by counsel the attorney for each party or by the party, if appearing in pro se.

Committee Note

LR 26-3 is amended under 28 U.S.C. § 652(a), which requires district courts to adopt local rules requiring parties in civil cases to consider the use of an alternative dispute-resolution process. The other amendments are made as part of the general restyling of the rules.

LR 26-4. EXTENSION OF SCHEDULED DEADLINES.

Applications A motion or stipulation to extend any date set by the discovery plan, scheduling order, or other order must, in addition to satisfying the requirements of IA LR 6-1, be supported by a showing of good cause for the extension. All motions or stipulations to extend a deadline set forth in a discovery plan mustshall be received by the Ccourt no later than twenty-one (21) days before the expiration of the subject deadline. A request made after the expiration of the subject deadline willshall not be granted unless the movant also demonstrates that the failure to act was the result of excusable neglect. Anyy motion or stipulation to extend a deadline or to reopen discovery mustshall include:

(a) A statement specifying the discovery completed;

(b) A specific description of the discovery that remains to be completed;

(c) The reasons why the deadline was not satisfied or the remaining discovery was not completed within the time limits set by the discovery plan; and,

(d) A proposed schedule for completing all remaining discovery.

Committee Note

LR 26-4 is amended as part of the general restyling of the rules.

LLR 26-5. RESPONSES TO WRITTEN DISCOVERY

All responses to written discovery muststall, immediately preceding the response, identify the number or other designation and set forth in full the text of the discovery sought.

Committee Note

LR 26-5 is amended as part of the general restyling of the rules.

LR 26-6. DEMAND FOR PRIOR DISCOVERY.

A party who enters a case after discovery has begun is entitled, on written request, to inspect and copy, at the requesting party'' s expense, all discovery provided or taken in the case by every any other party in the case. The request muststall be directed to the party who provided the discovery or, if the discovery was obtained from a person not a party to the case, to the party who took thesuch discovery.

Committee Note

LR 26-6 is amended as part of the general restyling of the rules.

LR 26-7. DISCOVERY MOTIONS.

(a) Unless the court orders otherwise, all discovery disputes are referred to the magistrate judge assigned to the case.

(b) All motions to compel discovery or for a protective order muststall set forth in full the text of the discovery originally sought and anythe response to it.thereto, if any.

(cb) Discovery motions will not be considered unless the movant (1) has made a good-faith effort to meet and confer as defined in LR IA 1-3(f) before filing the motion, and (2) includes a declaration setting forth the details and results of the meet-and-confer conference about each disputed discovery request.a statement of the movant is attached thereto certifying that, after personal consultation and sincere

~~effort to do so, the parties have been unable to resolve the matter without Court action.~~

(~~d~~c) ~~Unless otherwise ordered, all emergency discovery disputes are referred to the magistrate judge assigned to the case.~~ In the event of an emergency discovery dispute, ~~T~~the movant may apply for relief by written motion or, when~~where~~ time does not permit, by a telephone call to the magistrate judge ~~or district judge~~ assigned to the case. The court may determine whether a discovery dispute is an emergency. Written requests for judicial assistance to resolve~~in resolving~~ an emergency discovery dispute must ~~comply with the provisions of~~satisfy LR 7-4. ~~shall be entitled "Emergency Motion" and be accompanied by an affidavit setting forth:~~

~~(1) The nature of the emergency;~~

~~(2) The office addresses and telephone numbers of the movant and all affected parties;~~

~~(3) A statement of when and how the other affected parties were notified of the motion or, if not notified, why it was not practicable to do so.~~

~~(d) It shall be within the sole discretion of the Court to determine whether any such matter is, in fact, an emergency.~~

Committee Note

Subsection (a) is added to clarify that discovery motions are automatically referred to the assigned magistrate judge. Subsection (c) is amended in parallel with LR IA 1-3(f) regarding meet-and-confer conferences. Subsection (d) is amended to clarify the procedure for filing an emergency discovery motion. The remaining amendments are for clarity, brevity, and readability.

LR 26-8. FILING OF DISCOVERY PAPERS.

Unless the court orders otherwise ~~ordered by the Court~~, written discovery, including discovery requests, discovery responses ~~thereto~~, deposition notices, and deposition transcripts, must~~shall~~ not be filed with the ~~C~~court. Originals of responses to written discovery requests must~~shall~~ be served on the party who served the discovery request, and that party must~~shall~~ make the~~such~~ originals available at the pretrial hearing, at trial, or ~~on order of the Court~~when ordered by the court. Likewise, a~~the~~ deposing party must~~shall~~ make the original transcript of a deposition available at any pretrial hearing, at trial, or ~~on order of the Court.~~when ordered by the court.

Committee Note

LR 26-8 is amended to clarify that deposition notices, like written discovery, must not be filed with the court. The other amendments are made as part of the general restyling of the rules.

~~**LR 26-9. EXEMPTIONS.**~~

~~[Repealed December 1, 2000. See Fed. R. Civ. P. 26(a)(1)(E).]~~

~~**LR 30-1. DEPOSITIONS UPON ORAL EXAMINATION.**~~

~~[Repealed effective December 1, 2000. See Fed. R. Civ. P. 30.]~~

~~**LR 30-2. REQUIREMENTS FOR TRANSCRIPTS.**~~

~~Unless the Court orders otherwise, depositions shall be recorded by stenographic means.~~

Committee Note

Former LR 30-2 (Requirements for Transcripts) is deleted because it is redundant of Fed. R. Civ. P. 30(b)(3).

~~**LR 31-1. DEPOSITIONS UPON WRITTEN QUESTIONS.**~~

~~[Repealed effective December 1, 2000. See Fed. R. Civ. P. 31.]~~

~~**LR 32-1. USE OF DEPOSITIONS IN COURT PROCEEDINGS.**~~

~~Unless the Court orders otherwise, deposition testimony shall be offered by stenographic means.~~

Committee Note

Former LR 32-1 (Use of Depositions in Court Proceedings) is deleted because it is redundant of Fed. R. Civ. P. 32(c).

~~**LR 33-1. INTERROGATORIES.**~~

~~[Repealed effective December 1, 2000. See Fed. R. Civ. P. 33.]~~

~~**LR 34-1. PRODUCTION OF DOCUMENTS.**~~

~~[Repealed effective December 1, 2000. See Fed. R. Civ. P. 34.]~~

~~**LR 36-1. REQUEST FOR ADMISSIONS.**~~

~~[Repealed effective December 1, 2000. See Fed. R. Civ. P. 36.]~~

LR 38-1. JURY DEMAND~~.~~

~~When a jury trial is demanded~~ When a party demands a jury trial in a pleading under Fed. R. Civ. P. 38(b), the words ~~"~~"JURY DEMAND" must~~shall~~ be typed or printed in capital letters on the first page immediately below the title~~name~~ of the pleading.

Committee Note

LR 38-1 is amended for clarity and as part of the general restyling of the rules.

LR 41-1. DISMISSAL FOR WANT OF PROSECUTION.

All civil actions that have been pending in this Ccourt for more than two hundred seventy (270) days without any proceeding of record having been taken may, after notice, be dismissed for want of prosecution by the court sua sponte or on the motion of counsel or by the Court.an attorney or pro se party.

Committee Note

LR 41-1 is amended as part of the general restyling of the rules.

LR 42-1. NOTICING THE COURT ON RELATED CASES; CONSOLIDATION OF CASES

(a) Related Cases. A party who has reason to believe that an action on file or about to be filed is related to another action on file (whether active or terminated) must file in each action and serve on all parties in each action a notice of related cases. This notice must set forth the title and case number of each possibly related action, together with a brief statement of their relationship and the reasons why assignment to a single district judge and/or magistrate judge is desirable.

An action may be considered to be related to another action when:

(1) Both actions involve the same parties and are based on the same or similar claim;

(2) Both actions involved the same property, transaction, or event;

(3) Both actions involve similar questions of fact and the same question of law, and their assignment to the same district judge and/or magistrate judge is likely to effect a substantial savings of judicial effort, either because the same result should follow in both actions or otherwise;

(4) Both actions involve the same patent, trademark, or copyright, and one of the factors identified in (1), (2), or (3) above is present; or

(5) For any other reason, it would entail substantial duplication of labor if the actions were heard by different district judges or magistrate judges.

If a notice of related cases is filed, the assigned judges will make a determination regardingdetermine whether the actions will be assigned to a single district judge and/or magistrate judge.

(b) Consolidation of Cases. Under Fed. R. Civ. P. 42(a), if actions before the court involve a common question of law or fact, the court may: (1) join for hearing or

trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.

The court may make a determination to consolidate actions sua sponte. A party may file a motion for consolidation as soon as it reasonably appears the actions involve common questions of law or fact and consolidation would aid in the efficient and economic disposition of an action. A party seeking consolidation must file and serve the motion in each of the pending lawsuits the party seeks to have consolidated. If the party seeking to consolidate actions is not a party to an action it seeks to have consolidated, it may file a motion for leave to intervene in that action for the limited purpose of seeking consolidation of actions. The party must include the proposed motion for consolidation as an exhibit to the motion for leave to intervene.

A motion to consolidate must identify all actions that are the subject of the motion by case name and ~~case~~ number and must address in detail the asserted common questions of law or fact ~~present~~ in the actions the party seeks to consolidate.

The motion to consolidate will be decided by the judge to whom the earliest-filed action is assigned. If the actions are consolidated, they will be transferred to the judge to whom the earliest-filed action is assigned. A joint order signed by ~~each~~ all judges in the cases to be consolidated will be filed in each of the pending cases.

Committee Note

LR 42-1(a) formerly was numbered LR 7-2.1. The rule is amended to make clear the standards and procedures for noticing the court on related cases and consolidation.

LR 43-1. USE OF INTERPRETERS IN COURT PROCEEDINGS~~/TAKING OF TESTIMONY.~~

A party who anticipates needing the services of an interpreter in a court proceeding ~~shall~~must make the necessary arrangements ~~therefore,~~ at its own ~~that party's~~ expense~~,~~ and file a written notice ~~not later than~~at least ~~fourteen (~~14~~)~~ days before~~prior to~~ the proceeding in which the interpreter's services will be used. The notice must~~shall~~ include the name and credentials of the interpreter, the name of the witness or witnesses requiring the interpreter ~~such service~~, and the reason the interpreter~~service~~ is needed. Any party anticipating the need for an American Sign Language~~SL~~ interpreter must contact the assigned judge's courtroom administrator at least 14 days before the proceeding.

Committee Note

LR 43-1 is amended to provide a procedure for requesting an American Sign Language interpreter. The other amendments are made as part of the general restyling of the rules.

LR 48-1. CONTACT WITH JURORS PROHIBITED.

Unless the court permits otherwise ~~permitted by the Court~~, no party, attorney, or other interested person may~~shall~~ communicate with or contact any juror until the jury concludes its deliberations and is discharged.

Committee Note

LR 48-1 is amended as part of the general restyling of the rules.

LR 54-1. ~~BILL OF~~ COSTS~~.~~ OTHER THAN ATTORNEY'S FEES

(a) ~~See 28 U.S.C. § § 1920, 1921, and 1923; and Fed. R. Civ. P. 54(d).~~ Unless the court orders otherwise ~~ordered by the Court~~, the prevailing party is~~shall be~~ entitled to reasonable costs. A prevailing party who claims ~~such~~ costs must file and serve~~shall serve and file~~ a bill of costs and disbursements on the form provided by the ~~C~~clerk no later than ~~fourteen (~~14~~)~~ days after the date of entry of the judgment or decree. *See* 28 U.S.C. §§ 1920, 1921, and 1923; Fed. R. Civ. P. 54(d)(1).

(b) ~~See 28 U.S.C. § 1924. Every~~ A bill of costs and disbursements must~~shall~~ be supported by an affidavit ~~verified~~ and distinctly set forth each item so that its nature can be readily understood. ~~The bill of costs shall state that the items are correct and that the services and disbursements have been actually and necessarily provided and made.~~ An itemization and, where available, documentation of requested costs in all categories must be attached to the bill of costs. *See* 28 U.S.C. § 1924.

~~(c) The Clerk shall tax the costs not later than fourteen (14) days after the filing of objections or when the time within which such objections may be filed has passed.~~

(c) The deadline to file and serve any objection to a bill of costs is 14 days after service of the bill of costs. An objection must specify each item to which objection is made and the grounds for the objection and, if appropriate, must include~~, if appropriate,~~ supporting declarations or other material. The deadline to file and serve any response to an objection is seven~~7~~ days after service of the objection.

(d) If no objection is filed, the ~~C~~clerk must enter the bill of costs as submitted. Failure to object to a bill of costs may constitute a consent to the award of all costs included, but it does not prevent a party from filing a motion to re-tax as provided in LR 54-12, subject to the court's consideration of the party's failure to file an objection.

(e) If an objection is filed, once a response to the objection is filed or the deadline for doing so has passed, the ~~C~~clerk may prepare, sign, and enter an order disposing of a bill of costs, subject to a motion to re-tax under~~as provided in~~ LR 54-12. The ~~C~~clerk's taxation of costs is final, unless modified on review as provided in these rules.

(f) Notice of the ~~C~~clerk's taxation of costs must be given by serving a copy of the bill of costs approved by the ~~C~~clerk on~~to~~ all parties in compliance with~~under~~ Fed. R. Civ. P. 5.

(g) Neither the parties nor their attorneys may appear on the date set for the taxation of costs.

Committee Note

The second sentence of LR 54-1(b) is deleted because it is redundant of 28 U.S.C. § 1924. Former subsection (c) is deleted because it is redundant of Fed. R. Civ. P. 54(d)(1). The provisions of former LR 54-13 (Method of Taxation of Costs) are added to this rule as subsections (c)-(g) for clarity and brevity. The rule further is amended as part of the general restyling of the rules.

LR 54-2. ~~CLERK'S, MARSHAL'S,~~ PROCESS SERVER~~'~~'S FEES~~, AND DOCKET FEES.~~

~~**Clerk's fees (see 28 U.S.C. § 1920), docket fees (see 28 U.S.C. § 1923) and marshal's fees (see 28 U.S.C. § 1921) are allowable by statute.**~~

~~Fees of a~~An authorized process server's fees are ordinarily taxable.

Committee Note

The first sentence of LR 54-2 is deleted because it is redundant of the United States Code sections discussing clerk's fees, docket fees, and marshal's fees.

LR 54-3. ~~FEES INCIDENT TO~~ TRANSCRIPTS OF COURT PROCEEDINGS~~; TRIAL TRANSCRIPTS.~~

The cost of transcripts of pretrial, trial, and post-trial proceedings is~~are~~ not taxable unless the transcripts are ~~either~~ (1) requested by the ~~C~~court~~,~~ or (2) prepared ~~pursuant to~~under a stipulation approved by the ~~C~~court. Mere acceptance of the transcripts by the ~~C~~court does not constitute a request. The cost of c~~C~~opies of transcripts for ~~counsel's~~ an attorney or party's own use is~~are~~ not taxable absent a prior court~~special~~ order~~. of the Court.~~

Committee Note

LR 54-3 is amended as part of the general restyling of the rules.

LR 54-4. DEPOSITION COSTS.

(a) The following are taxable deposition costs:

(1) The cost of a deposition transcript (eithertranscript, either the original or a copy, but not both,) is taxable whether taken solely for discovery or for use at trial;.

(2) RThe reasonable costsexpenses of a deposition reporter and the notary or other official presiding at the deposition are taxable, including travel, where necessary, and subsistence;.

(3) RThe reasonable costs for videography;

(4) Witness fees at the same rate as the rate for attendance at trial. The witness need not be under subpoena; and

(5) RThe reasonable costs for a necessary interpreter at the taking of a taxable-cost deposition.

Postage costs, including registry, for sending the original deposition to the Clerk for filing are taxable if the Court has ordered the filing of said deposition.

(b) The following are not taxable deposition costs:

(1) Attorney's Counsel's fees, expenses in arranging for taking a deposition, and expenses in attending the deposition are not taxable, except as provided by statute or by the Federal Rules of Civil Procedure;

(2) Postage, handling, and delivery fees for deposition transcripts; and

(3) Condensed, ASCII, or other special formatting or production of deposition transcripts.

Committee Note

LR 54-4 is amended to add structural divisions for clarity and readability. Subsection (a)(3) includes videography as a taxable cost. Postage, handling, and delivery fees for deposition transcripts are no longer included as taxable costs because these costs are unnecessary in light of the court's electronic filing system. Subsection (b)(3) is added to make clear that special formatting of deposition transcripts is not a taxable cost.

LR 54-5. WITNESS FEES, MILEAGE, AND SUBSISTENCE.

(a) The rate for witness fees, mileage, and subsistence are fixed by statute. (sSee 28 U.S.C. § 1821). TheseSuch fees are taxable even ifthough the witness did not

testify when~~if~~ it is shown that the attendance was necessary.~~,~~ ~~b~~But if a witness is not used, the presumption is that the attendance was unnecessary. The witness need not be under subpoena. ~~Such fees are taxable even though the witness attends voluntarily and not under subpoena.~~ Costs may be taxed for each day the witness is necessarily in attendance and are not limited to the actual day the witness testified. Fees will be limited, however, to the days of actual testimony and the days required for travel unless a ~~if no~~ showing is made that the witness necessarily attended for a longer time.

~~(b) Subsistence to the witness under 28 U.S.C. § 1821 is allowable if the mileage fees for the witness to travel from the witness' residence to Court and back each day exceed the applicable subsistence fees.~~

(b~~c~~) No party may~~shall~~ receive witness fees for testifying on~~in~~ that party~~'~~'s own behalf, ~~but this shall~~does ~~not apply when~~unless~~where~~ the~~a~~ party is subpoenaed to ~~attend C~~court by the opposing party. Witness fees for officers of a corporation are taxable if the officers are not defendants and recovery is not sought against the officers individually. Fees for expert witnesses are not taxable in a greater amount than statutorily allowable for ordinary witnesses ~~unless authorized by contract or specific statute~~.

(c~~d~~) The reasonable fee of a competent interpreter is taxable if the fee of the witness for whom the interpreting services were required is taxable. The reasonable fee of a competent translator is taxable if the document translated is necessarily filed or admitted into evidence.

Committee Note

LR 54-5 is amended for clarity, brevity, and readability. Former subsection (b) is deleted because it is redundant of 28 U.S.C. § 1821. The language "unless authorized by contract or specific statute" is deleted from subsection (b) because this situation is more appropriately addressed in a motion to re-tax under LR 54-12.

LR 54-6. EXEMPLIFICATION, ~~AND~~ COPIES OF PAPERS,~~.~~ AND DISBURSEMENTS FOR PRINTING

(a) The following are taxable costs for exemplification, copies of papers, and disbursements for printing:

(1) The cost of copies of an exhibit necessarily attached to a filed document;

(2) The costs of copies of trial exhibits for the judge and opposing parties;

(3) An official's fee for certification or proof regarding the non-existence of a document;

(4) Notary fees, but only for documents that are required to be notarized and that are necessarily filed; and

(5) The cost of patent file wrappers and prior art patents at the rate charged by the United States Patent and Trademark Office.

(b) The following costs are not ~~n~~-taxable ~~costs~~:

(1) The cost of reproducing copies of motions, pleadings, notices, and other routine case papers;

(2) The costs and page fees for electronic access to court records;

(3) The cost of copies obtained for an attorney's own use; and

(4) Expenses for services of persons checking patent office records to determine what should be ordered.

(c) An itemization of costs claimed under subsection (a) must be attached to the bill of costs with a detailed description of the specific nature of the costs~~,~~ and, when available, documentation to support the costs.

~~(a) An itemization of costs claimed pursuant to this section shall be attached to the cost bill. The cost of copies of an exhibit necessarily attached to a document required to be filed and served is taxable. Cost of one (1) copy of a document is taxable when the copy is admitted into evidence in lieu of an original because the original is either not available or is not introduced at the request of opposing counsel. The cost of copies submitted in lieu of originals because of the convenience of offering counsel or counsel's client is not taxable. The cost of reproducing copies of motions, pleadings, notices and other routine case papers is not allowable. The cost of copies obtained for counsel's own use is not taxable. The fee of an official for certification or proof regarding non-existence of a document is taxable. Notary fees are taxable if actually incurred, but only for documents which are required to be notarized and which are necessarily filed. Costs incurred for reducing documents to comply with the paper size requirement of these Rules are taxable.~~

~~(b) The cost of patent file wrappers and prior art patents are taxable at the rate charged by the patent office. Expenses for services of persons checking patent office records to determine what should be ordered are not taxable.~~

Committee Note

LR 54-6 is amended to add structural divisions for clarity and readability. Subsection (a)(2) is amended to include the costs of trial exhibits for the assigned judge and opposing counsel. The former language stating that "[c]osts incurred for reducing documents to comply

with the paper size requirement of these rules" was deleted to make clear that the cost of reformatting large amounts of discovery documents that are not admitted into evidence is not taxable. The former language stating that "[t]he cost of copies submitted in lieu of originals because of the convenience of offering counsel or counsel's client is not taxable" is deleted because it is redundant. Subsection (c) is amended to emphasize that supporting documentation is required under this rule.

LR 54-7. MAPS, CHARTS, MODELS, PHOTOGRAPHS, SUMMARIES, COMPUTATIONS, AND STATISTICAL SUMMARIES.

The cost of maps and charts is taxable if they are admitted into evidence. The cost of photographs, ~~eight by ten inches (~~8~~"~~" x 10~~"~~")~~ in size or less, is taxable if the photographs are admitted into evidence or attached to documents required to be filed and served on opposing ~~counsel~~parties. The cost of enlargements greater than ~~eight by ten inches (~~8~~"~~" x l0~~",")~~ models, summaries, computations, and statistical comparisons are not taxable except by prior court order ~~of the Court~~.

Committee Note

LR 54-7 is amended as part of the general restyling of the rules.

LR 54-8. FEES OF ~~MASTERS,~~ RECEIVERS~~,~~ AND COMMISSIONERS.

Unless the court orders otherwise ~~ordered by the Court~~, fees of ~~masters,~~ receivers~~,~~ and commissioners are taxable ~~as~~ costs.

Committee Note

The language regarding masters is deleted because it is redundant of Fed. R. Civ. P. 53(g).

LR 54-9. PREMIUMS ON UNDERTAKINGS AND BONDS.

Premiums paid on undertakings and bonds are ordinarily taxable ~~where the same~~when they ~~have been~~were furnished by reason of express requirement of law, ~~on order of the Court~~when they were ordered by the court, or when they were provided to enable the party to secure some right in the action or proceeding.

Committee Note

LR 54-9 is amended as part of the general restyling of the rules.

LR 54-10. REMOVED CASES.

In a removed case, costs incurred in the state court before removal are taxable in favor of the prevailing party. ~~Such costs include but are not limited to:~~

~~(a) Fees paid to the clerk of the state court;~~

~~(b) Fees for service of process in the state court;~~

~~(c) Costs of exhibits necessarily attached to documents required to be filed in the state court; and,~~

~~(d) Fees for witnesses attending depositions before removal, unless the Court finds that the witness was deposed without reason or necessity.~~

Committee Note

In LR 54-10, former s~~S~~ubsections (a)-(d) are deleted because they are redundant of other rules regarding taxation of costs.

~~**LR 54-11. COSTS AGAINST THE GOVERNMENT.**~~

~~See 28 U.S.C. § 2412.~~

Committee Note

Former LR 54-11 (Costs Against the Government) is deleted because it is redundant of 28 U.S.C. § 2412.

LR 54-11~~2~~. COSTS NOT ORDINARILY ALLOWED~~.~~

~~Unless substantiated by reference to statute or decision, t~~The following costs will not ordinarily be allowed:

(a) Accountant~~'~~'s fees incurred for investigation;

(b) The purchase of infringing devices in patent cases;

(c) The physical examination of an opposing party;

(d) Courtesy copies of exhibits furnished to opposing counsel without request, except as provided in LR 54-6(a)(2); ~~and,~~

(e) Motion pictures;~~.~~

(f) Pro hac vice admission fees;

(g) Computer research fees;

(h) Expert witness fees;

(i) Fees for investigative or paralegal services;

(j) Fees for general office overhead; and

(k) An attorney's travel expenses.

Committee Note

LR 54-11 is amended in several ways. The phrase "[u]nless substantiated by reference to statute or decision" is deleted as redundant. Subsection (d) is amended to make clear that it excludes the trial exhibits referenced in LR 54-6(a)(2). Subsection (f) is added in conformity with *Kalitta Air, LLC v. Central Texas Airborne System, Inc.*, 741 F.3d 955, 957-58 (9th Cir. 2013) (stating that 28 U.S.C. § 1920(1) does not allow for pro hac vice fees to be awarded as taxable costs). Though some are addressed elsewhere in the rules, subsections (f) through (k) are added to make clear that these items are not taxable costs.

~~**LR 54-13. METHOD OF TAXATION OF COSTS.**~~

~~(a) Any objections to a bill of costs shall be filed and served no later than fourteen (14) days after service of the bill of costs. Such objections shall specify each item to which objection is made and the grounds therefore, and shall include, if appropriate, supporting affidavits or other material.~~

~~(b) On the date set for the taxation neither the parties nor their attorneys shall appear.~~

~~(1) If no objection has been filed, the Clerk may enter the bill of costs as submitted and shall make an insertion of the costs into the docket and the judgment, if appropriate. The Clerk's taxation of costs shall be final unless modified on review as provided in these Rules. If no objection to a cost bill is filed, such failure may constitute a consent to the award of all costs included, but does not prevent a party from filing a motion to retax as provided in LR 54-14, subject to the Court's consideration of the party's failure to file an objection.~~

~~(2) If the costs are sought against the United States, its officers and agencies, the Clerk shall proceed to tax such costs as are properly chargeable and shall make an insertion of the costs into the docket and the judgment, if appropriate. The Clerk's taxation of costs shall be final unless modified on review as provided in these Rules.~~

~~(3) If an objection to a cost bill is filed, the cost bill shall be treated as a motion and the objection shall be treated as a response thereto. The Clerk or deputy clerk may prepare sign and enter an order disposing of a cost bill, subject to a motion to re-tax as provided in LR 54-14. The Clerk's~~

~~taxation of costs shall be final unless modified on review as provided in these Rules.~~

~~(c) Notice of the Clerk's taxation of costs shall be given by serving a copy of the bill as approved by the Clerk to all parties in accordance with the Fed. R. Civ. P. 5.~~

Committee Note

The provisions of former LR 54-13 (Method of Taxation of Costs) are moved to LR 54-1 for clarity and brevity.

LR 54-1~~2~~4. REVIEW OF COSTS~~.~~

(a) A party may obtain review of the ~~C~~clerk's taxation of costs by filing a motion to re-tax under Fed. R. Civ. P. 54(d), accompanied by points and authorities. A~~ny~~ motion to re-tax costs must~~shall~~ be filed and served within ~~seven (~~seven~~7)~~ days after receipt of the notice ~~provided for in~~under LR 54-1~~3~~(f~~c~~).

(b) A motion to re-tax ~~shall particularly~~must specify the particular portions of the clerk's ruling ~~of the Clerk excepted~~ to which the party objects, and only those portions of the clerk's ruling ~~no others~~ will be considered by the ~~C~~court. The motion to re-tax ~~shall~~ will be decided on the same papers and evidence submitted to the ~~C~~clerk.

Committee Note

LR 54-12 is amended for clarity and as part of the general restyling of the rules.

LR 54-1~~3~~5. APPELLATE COSTS~~.~~

The ~~District Court~~district court does not tax or re-tax appellate costs. The certified copy of the judgment or the mandate of the Court of Appeals, without further action by the ~~District Court~~district court, is sufficient basis to request the ~~C~~clerk of the ~~District Court~~district court to issue a writ of execution to recover costs taxed by the ~~appellate court~~Court of Appeals.

Committee Note

LR 54-13 is amended as part of the general restyling of the rules.

LR 54-1~~4~~6. MOTIONS FOR ATTORNEY'~~'~~S FEES~~.~~

(a) Time for Filing. When a party is entitled to move for attorney'~~'~~s fees, the~~such~~ motion must~~shall~~ be filed with the ~~C~~court and served within ~~fourteen (~~14~~)~~ days after entry of the final judgment or other order disposing of the action.

(b) Content of Motions. Unless the court orders otherwise, ~~ordered by the Court,~~ a motion for attorney's fees must~~, in addition to those matters required by Fed. R. Civ. P. 54(d)(2)(B),~~ include the following in addition to those matters required by Fed. R. Civ. P. 54(d)(2)(B):

(1) A reasonable itemization and description of the work performed;

(2) An itemization of all costs sought to be charged as part of the fee award and not otherwise taxable ~~pursuant to~~under LR 54-1 through 54-135;

(3) A brief summary of:

(A) The results obtained and the amount involved;

(B) The time and labor required;

(C) The novelty and difficulty of the questions involved;

(D) The skill requisite to perform the legal service properly;

(E) The preclusion of other employment by the attorney due to acceptance of the case;

(F) The customary fee;

(G) Whether the fee is fixed or contingent;

(H) The time limitations imposed by the client or the circumstances;

(I) The experience, reputation, and ability of the attorney(s);

(J) The undesirability of the case, if any;

(K) The nature and length of the professional relationship with the client;

(L) Awards in similar cases; and~~,~~

(M~~4~~) Any~~Such~~ other information ~~as~~ the ~~C~~court may request~~direct~~.

(c) Attorney Affidavit. Each motion must be accompanied by an affidavit from the attorney responsible for the billings in the case authenticating the information contained in the motion and confirming that the bill was~~has been~~ reviewed and edited and that the fees and costs charged are reasonable.

(d) Failure to provide the information required by subsections ~~LR 54-16~~(b) and (c) in a motion for attorney's~~'~~ fees may be deemed~~constitutes~~ a consent to the denial of the motion.

(e) Opposition. If no opposition is filed, the ~~C~~court may grant the motion after independent review of the record. If an opposition is filed, it must~~shall~~ set forth the specific charges that are disputed and state with reasonable particularity the basis for the~~such~~ opposition. The opposition must~~shall further~~ include affidavits to support any contested fact.

(f) Hearing. If either party wishes to examine the affiant, the~~such~~ party must specifically make that~~such a~~ request in writing. Absent such a request, the ~~C~~court may decide the motion on the papers or set the matter for evidentiary hearing.

Committee Note

The first sentence of LR 54-14(e) is amended in conformity with *Gates v. Deukmejian*, 987 F.2d 1392, 1401 (9th Cir. 1992), which requires the court "to independently review [a] fee request even absent . . . objections." It further is amended as part of the general restyling of the rules.

LR 56-1. MOTIONS FOR SUMMARY JUDGMENT~~.~~

Motions for summary judgment and responses thereto must~~shall~~ include a concise statement setting forth each fact material to the disposition of the motion~~, which~~ that the party claims is or is not genuinely in issue, citing the particular portions of any pleading, affidavit, deposition, interrogatory, answer, admission, or other evidence on~~upon~~ which the party relies. The statement of facts will be counted toward the applicable page limit in LR 7-3.

Committee Note

LR 56-1 is amended to make clear that the statement of facts counts against the applicable page limit for a motion for summary judgment. The objective is to discourage parties from filing separate statements of facts and memorandums of points and authorities to avoid applicable page limits.

LR 59-1. MOTIONS FOR RECONSIDERATION OF INTERLOCUTORY ORDERS

(a) Motions seeking reconsideration of case-dispositive orders are governed by Fed. R. Civ. P. 59 or 60, as applicable. Other motions for reconsideration must begin by identifying the basis for the motion under a separate heading titled "Basis for Motion." A party seeking relief under this rule must state with particularity the points of law or fact that the court has overlooked or misunderstood. Changes in legal or factual circumstances that may entitle the movant to relief also must be stated with particularity. The court possesses the inherent power to reconsider an interlocutory order for cause, so long as the court retains jurisdiction.

Reconsideration also may be appropriate if (1) there is newly discovered evidence that was not available when the original motion or response was filed, (2) the court committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.

(b) Motions for reconsideration are disfavored. A movant must not repeat arguments already presented unless (and only to the extent) necessary to explain controlling, intervening law or to argue new facts. A movant who repeats arguments will be subject to appropriate sanctions.

Committee Note

LR 59-1 is a new rule that provides standards and procedures for motions for reconsideration of interlocutory orders.

LR 65.1-1. QUALIFICATION OF SURETY~~.~~

Except for bonds secured by cash or negotiable bonds or notes of the United States ~~as provided for in~~governed by LR 65.1-2, every bond must have as surety:

(a) A corporation authorized by the United States Secretary of the Treasury to act as surety on official bonds under 31 U.S.C. §§ 9304 through 9306;

(b) A corporation authorized to act as surety under the laws of the State of Nevada, which corporation must~~shall~~ have on file with the ~~C~~clerk a certified copy of its certificate of authority to do business in Nevada, together with a certified copy of the power of attorney appointing the agent authorized to execute the bond;

(c) One or more individuals each of whom owns real or personal property sufficient to justify the full amount of the suretyship; or~~,~~

(d) Any~~Such~~ other security ~~as~~ the ~~C~~court may require by~~shall~~ order.

Committee Note

LR 65-1.1 is amended as part of the general restyling of the rules.

LR 65.1-2. DEPOSIT OF MONEY OR UNITED STATES OBLIGATION IN LIEU OF SURETY~~.~~

~~Upon order of the Court~~When ordered by the court, there may be deposited with the ~~C~~clerk in lieu of surety:

(a) Lawful money accompanied by an affidavit that identifies the money's legal owner ~~thereof~~; or~~,~~

(b) Negotiable bonds or notes of the United States accompanied by an executed agreement as required by 31 U.S.C. § 9303(a)(3) authorizing the ~~C~~clerk to collect or sell the bonds or notes in the event of default.

Committee Note

LR 65.1-2 is amended as part of the general restyling of the rules.

LR 65.1-3. APPROVAL~~.~~

Unless approval of the bond or the individual sureties is endorsed thereon by opposing counsel or the party, if appearing ~~in~~ pro se, the party offering the bond must~~shall~~ apply to the ~~C~~court for approval. The ~~C~~clerk is authorized to approve bonds unless court approval ~~by the Court~~ is expressly required by law.

Committee Note

LR 65.1-3 is amended as part of the general restyling of the rules.

LR 65.1-4. PERSONS NOT TO ACT AS SURETIES~~.~~

~~Neither o~~Officers of this ~~C~~court, ~~nor any~~ members of the ~~B~~bar of this ~~C~~court, ~~nor any~~ nonresident attorneys specially admitted to practice before this ~~C~~court, and ~~nor~~ their office associates or employees may not ~~shall~~ act as surety in this ~~C~~court.

Committee Note

LR 65.1-4 is amended as part of the general restyling of the rules.

LR 65.1-5. JUDGMENT AGAINST SURETIES~~.~~

Regardless of what may be otherwise provided in any security instrument, every surety who provides a bond or other undertaking for filing with this ~~C~~court thereby submits to the court's jurisdiction ~~of the Court~~ and irrevocably appoints the ~~C~~clerk as agent on~~upon~~ whom any paper affecting liability on the bond or undertaking may be served. Liability will~~shall~~ be joint and several and may be enforced summarily without independent action. Service may be made on~~upon~~ the ~~C~~clerk, who ~~shall forthwith~~must immediately mail a copy to the surety at the last known address.

Committee Note

LR 65.1-5 is amended as part of the general restyling of the rules.

LR 65.1-6. FURTHER SECURITY OR JUSTIFICATION OF PERSONAL SURETIES~~.~~

At any time and upon reasonable notice to all other parties, a party for whose benefit a bond is presented or posted may apply to the ~~C~~court for further or different security or for an order requiring personal sureties ~~to justify~~.

Committee Note

LR 65.1-6 is amended as part of the general restyling of the rules. The words "to justify" are deleted for clarity.

LR 66-1. RECEIVERS IN GENERAL~~.~~

~~In the exercise of the authority vested in the District Courts by Fed. R. Civ. P. 66, the~~ Rules 66-1 through 66-9 ~~in this part~~ are promulgated under Fed. R. Civ. P. 66 for the administration of estates by receivers or other similar officers appointed by the ~~C~~court. ~~The Federal Rules of Civil Procedure and these Rules govern any civil action in which the appointment of a receiver or other similar officer is sought or which is brought by or against such an officer.~~

Committee Note

LR 66-1 is amended as part of the general restyling of the rules. The second sentence of LR 66-1 is deleted as redundant of Fed. R. Civ. P. 66.

LR 66-2. NOTICE; TEMPORARY RECEIVER~~.~~

A receiver must~~shall~~ not be appointed except after hearing, preceded by at least ~~fourteen (~~14~~)~~ days' notice to the party sought to be subjected to receivership and to all known creditors, ~~except that~~but a temporary receiver may be appointed without notice upon adequate showing provided by Fed. R. Civ. P. 65(b).

Committee Note

LR 66-2 is amended as part of the general restyling of the rules.

LR 66-3. REVIEW OF APPOINTMENT OF TEMPORARY RECEIVER~~.~~

Upon~~On~~ being appointed, a~~the~~ temporary receiver must~~shall~~ give the notice required in LR 66-2, and at the hearing the ~~C~~court must~~shall~~ determine whether a receiver should~~shall~~ be appointed and the receivership continued or terminated in the same manner as though no temporary receiver had been appointed.

Committee Note

LR 66-3 is amended as part of the general restyling of the rules.

LR 66-4. REPORTS OF RECEIVERS.

(a) At the hearing provided for in LR 66-3, the temporary receiver mustshall file with the Ccourt a summary report of the temporary receivership.

(b) Within sixty (60) days of being appointed, a permanent receiver mustshall file a verified report and account of the receiver's administration, which mustshall be heard onupon fourteen(14) days' notice to all parties and known creditors of the party subject to receivership. The report and account mustshall contain the following:

(1) A summary of the receiver's operations of the receiver;

(2) An inventory of the assets and their appraised value;

(3) A schedule of all the receiver's receipts and disbursements;

(4) A list of all known creditors with their addresses and the amounts of their claims; and,

(5) The receiver's recommendations for a continuation or discontinuation of the receivership and the reasons for the recommendations.

(c) At the hearing, the Ccourt mustshall approve or disapprove the receiver's report and account, determine whether the receivership may continue, and fix the time for further regular reports by the receiver, if applicable.

Committee Note

LR 66-4 is amended as part of the general restyling of the rules.

LR 66-5. NOTICE OF HEARINGS.

Unless the Ccourt orders otherwise orders, the receiver mustshall give all interested parties and creditors at least fourteen (14) days' notice of the time and place of hearings of:

(a) All further reports of the receiver;

(b) All petitions for approval of the payment of dividends to creditors;

(c) All petitions for confirmation of sales of real or personal property;

(d) All applications for fees of the receiver, or of any attorney, accountant, or investigator;

(e) Any application for the discharge of the receiver; and,

(f) All petitions for authority to sell property at private sale.

Committee Note

LR 66-5 is amended as part of the general restyling of the rules.

LR 66-6. EMPLOYMENT OF ATTORNEYS, ACCOUNTANTS, AND INVESTIGATORS.

A receiver mustshall not employ an attorney, accountant, or investigator without first obtaining an order of the Courta court order authorizing thesuch employment. The compensation of such persons shallan attorney, accountant, or investigator will be fixed by the Ccourt, after hearing, upon the receiver'sapplicant's verified application setting forth in reasonable detail the nature of the services. The application mustshall state under oath that the applicant receiver has not entered into any agreement, written or oral, express or implied, with any other person concerning the amount of compensation paid or to be paid from the assets of the estate, or any sharing thereof.of it.

Committee Note

LR 66-6 is amended as part of the general restyling of the rules. The term "applicant" is replaced with "receiver" for clarity.

LR 66-7. PERSONS PROHIBITED FROM ACTING AS RECEIVERS.

Except as otherwise allowed by statute or ordered by the Courtcourt order, no party in interest, attorney, accountant, employee, or representative of a party in interest mayshall be appointed as a receiver or employed by the receiver.

Committee Note

LR 66-7 is amended as part of the general restyling of the rules.

LR 66-8. DEPOSIT OF FUNDS.

All funds received by a receiver mustshall be deposited in a depository designated by the Ccourt in an account entitled "Receiver''s Account," together with the name of the action.

Committee Note

LR 66-8 is amended as part of the general restyling of the rules.

LR 66-9. UNDERTAKING OF RECEIVER.

A receiver mustshall not act as such until a sufficient undertaking in an adequate amount as determined by the Ccourt is filed with the Cclerk.

Committee Note

LR 66-9 is amended as part of the general restyling of the rules.

~~**LR 66-10. ADMINISTRATION OF ESTATES.**~~

~~In all other respects or as ordered by the Court, the receiver or similar officer shall administer the estate as nearly as may be in accordance with the practice in the administration of estates in Chapter 11 bankruptcy cases.~~

Committee Note

Former LR 66-10 (Administration of Estates) is deleted as unnecessary and to avoid confusion with the bankruptcy rules.

LR 67-1. DEPOSIT AND INVESTMENT OF FUNDS IN THE REGISTRY ACCOUNT; CERTIFICATE OF CASH DEPOSIT.

(a) Cash tendered to the Cclerk for deposit into the court's Registry Account of this Court shall must be accompanied by a written statement titled ""Certificate of Cash Deposit,"" which mustshall be signed by counsel or party appearing in pro sethe attorney or pro se party. The certificate mustshall contain the following information:

(1) The amount of cash tendered for deposit;

(2) The party on whose behalf the tender is being made;

(3) The nature of the tender (,e.g., interpleader funds deposit, cash bond in lieu of corporate surety in support of temporary restraining order, etc.);

(4) Whether the cash is being tendered pursuant to statute, rule, or Court orderThe court order permitting the deposit;

(5) The conditions of the deposit signed and acknowledged by the depositor;

(6) The name and address of the legal owner to whom a refund, if applicable, shall should be made; and,

(7) A signature block whereon on which the cClerk can acknowledge receipt of the cash tendered. TheSaid signature block mustshall not be set forth on a separate page, but mustshall appear approximately one inch one inch (1") below the last typewritten linematter on the left-hand side of the last page of the certificate Certificate of Cash Deposit and mustshall read as follows:

"RECEIPT
Cash as identified herein is hereby
acknowledged as being received this date.
Dated: _____
CLERK, U.S. DISTRICT COURT

By: _____
Deputy Clerk"

(b) The depositing party must attach a copy of the order permitting the deposit.

(c) The Cclerk may refuse cash tendered without the Certificate of Cash Deposit required by this Rrule.

Committee Note

Subsection (a)(4) and (b) are amended in conformity with Fed. R. Civ. P. 67(a), which requires the depositing party to deliver to the clerk a copy of the order permitting the deposit. It further is amended as part of the general restyling of the rules.

LR 67-2. INVESTMENT OF FUNDS ON DEPOSIT.

(a) Unless the court orders otherwise, Ffunds on deposit in the court's Registry Account of the Court underpursuant to 28 U.S.C. § 2041 will be invested in an interest--bearing account established by the Cclerk in the absence of an order by the Court.

(b) All motions or stipulations for an order directing the Cclerk to invest Registry Account funds in an account other than the Ccourt's standard interest--bearing account mustshall contain the following:

(1) The name of the bank or financial institution where the funds are to be invested;

(2) The type of account or instrument and the terms of investment where a timed instrument is involved; and

;

(3) Language that either:

(A) Directs the Cclerk to deduct from income earned on the investment a fee, not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office; or,

(B) States affirmatively the investment is being made for the benefit of the United States and, therefore, no fee mayshall be charged.

(c) An attorney or pro se partyCounsel obtaining an order under these Rrules mustshall cause a copy of the order to be served personally onupon (1) the Cclerk or (2) the chief deputy and the financial deputy. A supervisory deputy clerk may accept service on behalf of the Cclerk, chief deputy, or financial deputy in their absence.

(d) The Cclerk mustshall take all reasonable steps to deposit funds into interest-bearing accounts or instruments within , but not more than, fourteen (14) days after service of the order having been served with a copy of the order for such investment.

(e) ~~Any~~ An attorney or pro se party who obtains an order directing investment of funds by the ~~C~~clerk must~~shall~~, within ~~fourteen (~~14~~)~~ days after service of the order on the ~~C~~clerk, verify ~~that~~ the funds were ~~have been~~ invested as ordered.

(f) An attorney or pro se party's ~~F~~failure ~~of the party or parties~~ to personally serve (1) the ~~C~~clerk~~,~~ or (2) the chief deputy and the financial deputy, or in their absence a supervisory deputy clerk, with a copy of the order, or failure to verify investment of the funds, will~~shall~~ release the ~~C~~clerk from any liability for lost~~the loss~~ earned interest on the~~such~~ funds.

(g) ~~It shall be the responsibility of counsel to notice~~An attorney or pro se party must notify the c~~C~~lerk regarding disposition of funds at maturity of a timed instrument. In the absence of such notice, funds invested in a timed instrument subject to renewal must~~will~~ be reinvested for a like period of time at the prevailing interest rate. Funds invested in a timed instrument not subject to renewal will be re-deposited by the ~~C~~clerk into the court's Registry Account ~~of the Court~~, which is a non-~~-~~interest~~-~~bearing account.

(h) Service of notice by ~~counsel~~ an attorney or pro se party ~~as~~ required by LR 67-2(g) ~~LCR 46-8(g)~~ must~~shall~~ be made as provided in LR 67-2(c)~~LCR 46-8(c)~~ not later than ~~fourteen (~~14~~)~~ days before~~prior to~~ maturity of the timed instrument.

(i) Any change in terms or conditions of an investment must~~shall~~ be only by ~~C~~court order, ~~only~~ and an attorney or pro se party ~~counsel will be required to~~ must comply with LR 67-2(b) and (c)~~LCR 46-8(b) and (c)~~.

Committee Note

LR 67-2 is amended to correct a typographical error in subsection (f) by replacing "loss" with "lost." Structural subdivisions are added to subsections (c) and (f) to clarify who must be served with the court's order under this rule. The rule is further amended to correct the citations in subsections (h) and (i). The remaining amendments are made as part of the general restyling of the rules.

LR 77-1. JUDGMENTS AND ORDERS GRANTABLE BY THE CLERK~~.~~

(a) The ~~C~~clerk is authorized, without further direction by the ~~C~~court, to sign and enter any order permitted to be signed by the ~~C~~clerk under the Federal Rules of Civil Procedure and the following:

(1) Orders specially appointing persons to serve process;

(2) Orders withdrawing exhibits under LR 79-1;

(3) Orders on stipulations:

(A) Satisfying judgments;

(B) Noting satisfaction of orders for the payment of money;

(C) Withdrawing stipulations;

(D) Annulling bonds; or~~,~~

(E) Exonerating sureties.

(b) The ~~C~~clerk must~~may also~~:

(1) Enter judgments on verdicts or decisions of the ~~C~~court in circumstances authorized by~~in~~ Fed. R. Civ. P. 58(b)(1);

(2) Enter default for failure to plead or otherwise defend under~~, as provided in~~ Fed. R. Civ. P. 55(a);

(3) Enter judgments by default in the circumstances authorized by~~in~~ Fed. R. Civ. P. 55(b)(1);

(4) Enter judgments after~~pursuant to~~ acceptance of an offer of judgment in the circumstances authorized by~~in~~ Fed. R. Civ. P. 68(a);

(5) When ordered by the ~~C~~court in the particular case or in all cases assigned to a particular judge, enter orders under LR IA 11-2~~10-2~~ granting permission to an attorney to practice in a particular case and orders under LR IA 11-6 granting leave of the ~~C~~court for substitution of counsel; and~~,~~

(6) Enter any other order that~~which~~, under Fed. R. Civ. P. 77(c)(2)(D), does not require special direction by the ~~C~~court.

(c) For the purposes of subsection (b)(3), "sum certain or a sum that can be made certain by computation" means an amount that appears in, or can be simply calculated from, the complaint and supporting affidavits. If the complaint and supporting affidavits leave doubt about the amount to which a plaintiff is entitled as a result of the defendant's default, the claim is not for a sum certain.

Committee Note

LR 77-1(b) is amended to make clear the circumstances under which the clerk must enter judgment under the Federal Rules of Civil Procedure. Several citations to the Federal Rules of Civil Procedure in subsection (b) are updated. Subsection (b)(5) is amended to insert a missing reference to LR IA 11-6. Subsection (c) defines "sum certain." If there is any doubt whether there is a sum certain, the clerk will continue to consult with chambers.

LR 78-2. ORAL ARGUMENT.

All motions may, in the Court's discretion, be considered and decided with or without a hearing. Any party making or opposing a motion who believes oral argument may assist the court and wishes to be heard may request a hearing by inserting the words ORAL ARGUMENT REQUESTED below the title of the document on the first page of the motion or response. Parties must not file separate motions requesting a hearing.

Committee Note

LR 78-2 is amended to provide a procedure for requesting oral argument. The objective is to avoid burdening the court's docket with stand-alone motions for hearings. The phrase "in the court's discretion" is deleted because it is unnecessary.

LR 79-1. FILES AND EXHIBITS: CUSTODY AND WITHDRAWAL.

(a) All files and records of the Ccourt mustshall remain in the custody of the Cclerk, and no records or papers inbelonging to the court's files of the Court shall may not be taken from the clerk's custody of the Clerk without the court's written permission of the Court, and then, only after a receipt has been signed by the person obtaining the record or paper.

(b) The Cclerk mustshall mark and have safekeeping responsibility for all exhibits marked and identified at trial or hearing. Unless there is some special reason why the originals should be retained, the Ccourt may order exhibits to be returned to the party who offered the exhibitssame upon the filing of true copies of the exhibitsthereof in place of the originals.

(c) Unless the court orders otherwise ordered by the Court, the Cclerk mustshall continue to have custody of the exhibits until the judgment has become final and the deadlinestime for filing a notice of appeal and motion for a new trial havehas passed, or appeal proceedings have terminated.

(d) IfWhere no appeal is taken, after final judgment has been entered and the deadlinetime for filing a notice of appeal and a motion for a new trial haves passed, or upon the filing of a stipulation waiving the right to appeal and to a new trial, any party may, upon twenty- one (21) days' prior written notice to all parties, withdraw any exhibit originally produced by it unless some other party or person files prior notice with the Cclerk of a claim to the exhibit. If such a notice of claim is filed, the Cclerk mustshall not deliver the exhibit except with the written consent ofunless both the party who produced it and the claimant consent in writing, or until the Ccourt has determined who isthe person entitled to the exhibit.thereto.

(e) If exhibits are not withdrawn within twenty-one (21) days after notice of the Cclerk notifiesto the parties to claim the exhibitssame, the Cclerk must shall upon

~~order of the Court,~~ destroy or otherwise dispose ~~make such other disposition~~ of the exhibits as ~~the Court may direct~~ordered by the court.

Committee Note

LR 79-1 is amended as part of the general restyling of the rules.

LR 81-1. REMOVED ACTIONS

All pending motions and other requests directed to the state court are automatically denied without prejudice upon removal, and they may be refiled in this court. Motions refiled in this court must include citation to all relevant federal law and must be revised as necessary to comply with this court's rules.

Committee Note

LR 81-1 is a new rule that creates procedures for refiling in this court motions that were pending in state court upon removal. The objective of the rule is to provide a "work around" for CM/ECF's limitation of not being able to "gavel" pending motions in removed actions because the motions were filed before the case was opened in this court. The committee notes the concern that some parties may file frivolous notices of removal to delay action on a pending motion for preliminary injunction. If this occurs, it will be within the discretion of the judge assigned to the case to address this issue.

PART III – PATENT PRACTICE

LPR ~~16.~~1-1. TITLE~~.~~

These are the Local Rules of Practice for Patent Cases before the United States District Court for the District of Nevada.

Committee Note

LPR 1-1 is renumbered as part of the addition of Part III.

LPR ~~16.~~1-2. SCOPE AND CONSTRUCTION~~.~~

These ~~Rules~~ rules apply to all civil actions filed in or transferred to this ~~C~~court that~~,~~ ~~which~~ allege infringement of a utility patent in a complaint, counterclaim, cross-claim, or third-party claim, or that~~which~~ seek a declaratory judgment that a patent is not infringed, is invalid, or is unenforceable. The Local Rules of Civil Practice in Part II ~~for this Court shall~~ also apply to these~~such~~ actions, except to the extent that they are inconsistent with these Patent Local Rules. For the purposes of these rules, citations to Title 35 of the United States Code refer to pre-America Invents Act statutes.

Committee Note

LPR 1-2 is amended as part of the general restyling of the rules and is renumbered as part of the addition of Part III. The final sentence is added to make clear that the Patent Rules cite pre-American Invents Act statutes.

LPR ~~16.~~1-3. MODIFICATION OF RULES~~.~~

The ~~C~~court may apply all or part of these ~~R~~rules to any case already pending on the effective date of these ~~R~~rules. The ~~C~~court may modify the obligations and deadlines of these ~~R~~rules based on the circumstances~~–~~ of any particular case, including, without limitation, the simplicity or complexity of the case as shown by the patents, claims, products, or parties involved. Modifications may be proposed by one or more parties at the mandatory Fed. R. Civ. P. 26(f) meeting ("Initial Scheduling Conference"), and then submitted in the stipulated discovery plan and scheduling order. Modifications also may be proposed by request upon a showing of good cause. Before submitting~~In advance of submission of~~ any request for a modification, the parties ~~shall~~ must meet and confer for purposes of reaching an agreement, if possible, on~~upon~~ any modification.

Committee Note

LPR 1-3 is amended as part of the general restyling of the rules and is renumbered as part of the addition of Part III.

LPR ~~16.~~1-4. CONFIDENTIALITY~~.~~

Discovery and initial disclosures under these ~~R~~rules cannot be withheld on the basis of confidentiality absent ~~C~~court order. Not later than ~~fourteen (~~14~~)~~ days after the Initial Scheduling Conference, the parties ~~shall~~ must file a proposed protective order. Pending entry of a discovery confidentiality protective order, disclosures deemed confidential by a party ~~shall~~ must be produced with a confidential designation (e.g., "Confidential—Attorneys Eyes Only"), and the disclosure of the information will be limited to each party's outside attorney~~counsel~~ of record, including employees of outside attorney~~counsel~~ of record, and used only for litigation purposes.

Committee Note

LPR 1-4 is amended as part of the general restyling of the rules and is renumbered as part of the addition of Part III.

LPR ~~16.~~1-5. CERTIFICATION OF DISCLOSURES~~.~~

(a) All statements, disclosures, and~~or~~ charts filed or served ~~in accordance with~~under these ~~R~~rules must~~shall~~ be dated and signed by the attorney~~counsel~~ of record. The attorney's~~Counsel's~~ signature ~~shall~~ must attest that, to the best of his or her knowledge, information, and belief, formed after an inquiry that is reasonable under the circumstances, the disclosure is made in good faith and the information contained in the statement, disclosure, or chart is correct at the time it is made~~,~~ and provides a complete statement of the information presently known to the party. Disclosures required by these ~~R~~rules are in addition to others required under the Federal Rules of Civil Procedure.

(b) The parties must file with the court a notice ~~with the Court~~ certifying that all disclosures required under LPR ~~Local Rules 16.~~1-6 through ~~16.~~1-11 have been timely provided. The parties must file the notice within ~~seven (~~seven~~7)~~ days of the deadline for service of the disclosures required under LPR~~Local Rule 16.~~1-10. Any variation from these deadlines requires ~~C~~court approval.

Committee Note

Subsection (b) is a new rule requiring parties to file a notice certifying the required disclosures have been served on the opposing parties. It also provides a deadline for filing the notice. LPR 1-5 further is amended as part of the general restyling of the rules and is renumbered as part of the addition of Part III.

LPR ~~16.~~1-6. INITIAL DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS~~.~~

Within ~~fourteen (~~14~~)~~ days after the Initial Scheduling Conference under ~~pursuant to~~ Fed. R. Civ. P. 26(f), a party claiming patent infringement ~~shall~~ must serve on all parties a ~~"~~Disclosure of Asserted Claims and Infringement Contentions.~~"~~ Separately for each opposing

party, the Disclosure of Asserted Claims and Infringement Contentions mustshall contain the following information:

(a) Each claim of each patent in suit that is allegedly infringed by each opposing party, including for each claim the applicable statutory subsections of 35 U.S.C. § 271 asserted;

(b) Separately for each asserted claim, each accused apparatus, product, device, process, method, act, or other instrumentality ("Accused Instrumentality") of each opposing party of which the party is aware. This identification mustshall be as specific as possible. Each product, device, and apparatus mustshall be identified by name or model number, if known. Each method or process mustshall be identified by name, if known, or by any product, device, or apparatus which, when used, allegedly results in the practice of the claimed method or process;

(c) A chart identifying specifically where each limitation of each asserted claim is found within each Accused Instrumentality, including for each limitation that such party contends is governed by 35 U.S.C. § 112(6), the identity of the structure(s), act(s), or material(s) in the Accused Instrumentality that performs the claimed function;

(d) For each claim thatwhich is alleged to have been indirectly infringed, an identification of any direct infringement and a description of the acts of the alleged indirect infringer that contribute to or are inducing that direct infringement. Ifinsofar as alleged direct infringement is based on joint acts of multiple parties, the role of each such party in the direct infringement must be described;

(e) Whether each limitation of each asserted claim is alleged to be literally present or present under the doctrine of equivalents in the Accused Instrumentality;

(f) For any patent that claims priority to an earlier application, the priority date to which each asserted claim allegedly is entitled;

(g) If a party claiming patent infringement wishes to preserve the right to rely, for any purpose, on the assertion that its own apparatus, product, device, process, method, act, or other instrumentality practices the claimed invention, the party shall must identify, separately for each asserted claim, each such apparatus, product, device, process, method, act, or other instrumentality that incorporates or reflects that particular claim; and,

(h) If a party claiming patent infringement alleges willful infringement, the basis for thesuch allegation.

Committee Note

LPR 1-6 is amended as part of the general restyling of the rules and is renumbered as part of the addition of Part III. Subsection (g) is amended to correct a typographical error by replacing "is" with "its."

LPR ~~16.~~1-7. DOCUMENT PRODUCTION ACCOMPANYING ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS~~.~~

With the Disclosure of Asserted Claims and Infringement Contentions, the party claiming patent infringement ~~shall~~ must produce to each opposing party or make available for inspection and copying:

(a) Documents (e.g., contracts, purchase orders, invoices, advertisements, marketing materials, offer letters, beta site testing agreements, and third~~-~~-party or joint development agreements) sufficient to evidence each discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, or any public use of, the claimed invention before~~prior to~~ the date of application for the patent in suit. A party's production of a document ~~as~~ required herein does~~shall~~ not constitute an admission that ~~such~~the document evidences or is prior art under 35 U.S.C. § 102;

(b) All documents evidencing the conception, reduction to practice, design, and development of each claimed invention, which were created on or before the date of application for the patent in suit or the priority date identified ~~pursuant to~~under LPR ~~16.~~1-6(f), whichever is earlier;

(c) A copy of the file history for each patent in suit;

(d) All documents evidencing ownership of the patent rights by the party asserting patent infringement; and~~,~~

(e) If a party identifies instrumentalities under ~~pursuant to~~ LPR ~~6.~~1-6(g), documents sufficient to show the operation of any aspects or elements of such instrumentalities the patent claimant relies on~~upon~~ as embodying any asserted claims. The producing party ~~shall~~ must separately identify by production number the ~~which~~ documents that correspond to each category.

Committee Note

LPR 1-7 is amended as part of the general restyling of the rules and is renumbered as part of the addition of Part III. The citations to other local patent rules in subsections (b) and (e) are updated.

LPR ~~16.~~1-8. INITIAL DISCLOSURE OF NON-INFRINGEMENT, INVALIDITY, AND UNENFORCEABILITY CONTENTIONS~~.~~

Within ~~forty-five (~~45~~)~~ days after service of the Initial Infringement Contentions, each party opposing a claim of patent infringement must~~shall~~ serve on all other parties "Non-Infringement, Invalidity, and Unenforceability Contentions" that must~~which shall~~ include:

(a) A detailed description of the factual and legal grounds for contentions of non-infringement, if any, including a clear identification of each limitation of each asserted claim alleged not to be present in the Accused Instrumentality;

(b) A detailed description of the factual and legal grounds for contentions of invalidity, if any, including an identification of the prior art relied upon and where in the prior art each element of each asserted claim is found. Each prior~~-~~art patent must~~shall~~ be identified by its number, country of origin, and date of issue. Each prior~~-~~art publication must~~shall~~ be identified by its title, date of publication, and where feasible, author and publisher. Prior art under 35 U.S.C. § 102(b) must~~shall~~ be identified by specifying the item offered for sale or publicly used or known, the date the offer or use took place or the information became known, and the identity of the person or entity who~~which~~ made the use or~~ which~~ made and received the offer, or the person or entity who~~which~~ made the information known or to whom it was made known. Prior art under 35 U.S.C. § 102(f) must~~shall~~ be identified by providing the name of the person(s) from whom and the circumstances under which the invention or any part of it was derived. Prior art under 35 U.S.C. § 102(g) must~~shall~~ be identified by providing the identities of the person(s) or entities involved in, and the circumstances surrounding, the making of the invention before the patent applicant(s);

(c) Whether each item of prior art anticipates each asserted claim or renders it obvious. If obviousness is alleged, an explanation of why the prior art renders the asserted claim obvious, including an identification of any combinations of prior art showing obviousness;

(d) A chart identifying specifically where ~~specifically~~ in each alleged item of prior art each limitation of each asserted claim is found, including for each limitation that a~~such~~ party contends is governed by 35 U.S.C. § 112(6), the identity of the structure(s), act(s), or material(s) in each item of prior art that performs the claimed function;

(e) A detailed statement of any grounds of invalidity based on 35 U.S.C. § 101, indefiniteness under 35 U.S.C. § 112(2) or failure of enablement, best mode, or written description requirements under 35 U.S.C. § 112(1); and~~,~~

(f) A detailed description of the factual and legal grounds for contentions of unenforceability, if any, including the identification of all dates, conduct, persons involved, and circumstances relied on~~upon~~ for the contention, and whe~~n~~re unenforceability is based on~~upon~~ any alleged affirmative misrepresentation or omission of material fact committed before the United States Patent and Trademark Office, the identification of all prior art, dates of the prior art, dates of

relevant conduct, and persons responsible for the alleged affirmative misrepresentation or omission of material fact.

Committee Note

LPR 1-8 is amended as part of the general restyling of the rules and is renumbered as part of the addition of Part III.

L<u>P</u>R ~~16.~~1-9. DOCUMENT PRODUCTION ACCOMPANYING INVALIDITY CONTENTIONS~~.~~

At the time of service of the Non-Infringement, Invalidity, and Unenforceability Contentions, each party defending against patent infringement ~~shall~~ must also produce to each opposing party or make available for inspection and copying:

(a) Source code, specifications, schematics, flow charts, artwork, formulas, or other documentation sufficient to show the operation of any aspects or elements of an Accused Instrumentality identified by the patent claimant in its L<u>P</u>R ~~16.~~1-6(c) chart; and~~,~~

~~(~~b) A copy or sample of the prior art identified under ~~pursuant to~~ L<u>P</u>R ~~16.~~1-6(b) that~~,~~ ~~which~~ does not appear in the file history of the patent(s) at issue. To the extent the~~any such~~ item is not in English, an English translation of the portion(s) relied ~~upon~~ on must~~shall~~ be produced. The producing party must~~shall~~ separately identify by production number the~~which~~ documents that correspond to each category.

Committee Note

LPR 1-9 is amended as part of the general restyling of the rules and is renumbered as part of the addition of Part III. The citations to other local patent rules are updated.

L<u>P</u>R ~~16.~~1-10. RESPONSE TO INITIAL NON-INFRINGEMENT, INVALIDITY, AND UNENFORCEABILITY CONTENTIONS~~.~~

Within ~~fourteen (~~14~~)~~ days after service of the initial Non-Infringement, Invalidity, and Unenforceability Contentions, each party claiming patent infringement ~~shall~~ must serve on all other parties its response to Non-Infringement, Invalidity, and Unenforceability Contentions. The response must~~shall~~ include a detailed description of the factual and legal grounds responding to each contention of non-infringement;~~,~~ invalidity (~~,~~including whether the party admits to the identity of elements in asserted prior art and, if not, the reason for ~~such~~ denial); and unenforceability.

Committee Note

LPR 1-10 is amended as part of the general restyling of the civil rules and is renumbered as part of the addition of Part III.

LPR ~~16.~~1-11. DISCLOSURE REQUIREMENT IN PATENT CASES FOR DECLARATORY JUDGMENT OF INVALIDITY~~.~~

In all cases in which a party files a complaint seeking a declaratory judgment that a patent is not infringed, is invalid, or is unenforceable, each party seeking a declaratory judgment ~~shall~~ must serve on all other parties its initial Non-Infringement, Invalidity, and Unenforceability Contentions and corresponding LPR ~~16.~~1-9 document production within ~~fourteen (~~14~~)~~ days after the Initial Scheduling Conference. Within ~~forty-five (~~45~~)~~ days after service of the initial Non-Infringement, Invalidity, and Unenforceability Contentions, each party opposing the declaratory judgment ~~shall~~ must serve on all other parties its response to these initial contentions~~,~~ and, if the opposing party asserts a claim for patent infringement, its initial Disclosure of Asserted Claims and Infringement Contentions, including corresponding LPR ~~16.~~1-7 document production. ~~This~~ LPR ~~16.~~1-11 does~~shall~~ not apply to cases in which a request for a declaratory judgment that a patent is invalid is filed in response to a complaint for infringement of the same patent.

Committee Note

LPR 1-11 is amended as part of the general restyling of the rules and is renumbered as part of the addition of Part III. The citations to other local patent rules are updated.

LPR ~~16.~~1-12. AMENDMENT TO DISCLOSURES~~.~~

Amendment of initial disclosures required by these ~~R~~rules may be made for good cause without leave of the ~~C~~court anytime before the discovery cut-off date. Thereafter, the disclosures are~~shall be~~ final and amendment of the disclosures may be made only by court order ~~order of the Court~~ upon a timely showing of good cause. Non-exhaustive examples of circumstances that may, absent undue prejudice to the non-moving party, support a finding of good cause~~,~~ include: (a) a claim construction by the ~~C~~court different from that proposed by the party seeking amendment; (b) recent discovery of material prior art despite earlier diligent search; and~~,~~ (c) recent discovery of nonpublic information about the Accused Instrumentality despite earlier diligent search. The duty to supplement discovery responses does not excuse the need to obtain leave of the ~~C~~court to amend contentions.

Committee Note

LPR 1-12 is amended as part of the general restyling of the rules and is renumbered as part of the addition of Part III.

LPR ~~16.~~1-13. EXCHANGE OF PROPOSED TERMS FOR CONSTRUCTION~~.~~

Not later than ~~ninety (~~90~~)~~ days after the Initial Scheduling Conference under ~~pursuant to~~ Fed. R. Civ. P. 26(f), each party must~~shall~~ serve on each other party a list of patent claim terms~~,~~ ~~which~~ that the party contends should be construed by the ~~C~~court, and identify any claim term that~~which~~ the party contends should be governed by 35 U.S.C. § 112(6). The parties must~~shall~~ thereafter meet and confer for the purposes of limiting the terms in dispute by narrowing or

resolving differences and facilitating the ultimate preparation of a Joint Claim Construction and Prehearing Statement. The parties mustshall jointly identify the terms likely to be most significant to resolving the parties' dispute, including those terms for which construction may be case or claim dispositive.

Committee Note

LPR 1-13 is amended as part of the general restyling of the rules and is renumbered as part of the addition of Part III.

LPR 16.1-14. EXCHANGE OF PRELIMINARY CLAIM CONSTRUCTIONS AND EXTRINSIC EVIDENCE.

Not later than fourteen (14) thirty (30) days after the exchange of lists under pursuant to LPR 16.1-13, the parties shall must simultaneously exchange proposed constructions of each term identified by either party for claim construction. Each such "Preliminary Claim Construction" mustshall also, for each term thatwhich any party contends is governed by 35 U.S.C. § 112(6), identify the structure(s), act(s), or material(s) corresponding to that term's function.

At the same time the parties exchange their respective Preliminary Claim Constructions, each party shall must also:

(a) Identify all references from the specifications or prosecution history that support its proposed construction and designate any supporting extrinsic evidence including, without limitation, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses. Extrinsic evidence mustshall be identified by production number or by producing a copy if not previously produced. With respect to any supporting witness, percipient or expert, the identifying party shall also must provide a description of the substance of that witness's proposed testimony that includes a listing of any opinions to be rendered in connection with claim construction; and;

(b) Schedule a time for counsel to meet and confer for the purposes of narrowing the issues and finalizing preparation of a Joint Claim Construction and Prehearing Statement.

Committee Note

This amendment changes the deadline for exchanging proposed constructions of terms identified by the parties for claim construction. The purpose of the amendment is to accommodate the new sample scheduling order at LPR 1-23. LPR 1-14 further is amended as part of the general restyling of the rules and is renumbered as part of the addition of Part III.

LPR ~~16.~~1-15. JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT~~.~~

Not later than ~~fourteen (14)~~~~forty-five (45)~~ days after the exchange of Preliminary Claim Constructions and Extrinsic Evidence~~lists~~ under ~~pursuant to~~ LPR ~~16.~~1-1~~3~~4, the parties ~~shall~~ must prepare and submit to the ~~C~~court a Joint Claim Construction and Prehearing Statement, which must~~shall~~ contain the following information:

(a) The construction of those terms on which parties agree;

(b) Each party's proposed construction of each disputed term, together with an identification of all references from the specification or prosecution history that support that construction, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its proposed construction or to oppose any other party's proposed construction, including, but not limited to, as permitted by law, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses;

(c) An identification of the terms whose construction will be most significant to the resolution of the case. The parties ~~shall~~ must also identify any term whose construction will be case or claim dispositive;

(d) The anticipated length of time necessary for the Claim Construction Hearing; and~~,~~

(e) Whether any party proposes to call one or more witnesses at the Claim Construction Hearing, the identity of those~~each such~~ witnesses, and for each witness, a summary of his or her testimony including, for any expert, each opinion to be offered related to claim construction. Terms to be construed by the ~~C~~court must~~shall~~ be included in a chart that sets forth the claim language as it appears in the patent with terms and phrases to be construed in bold and include each party's~~parties'~~ proposed construction and any agreed proposed construction.

Committee Note

This amendment changes the deadline for submitting the Joint Claim Construction and Prehearing Statement. The purpose of the amendment is to accommodate the sample scheduling order at LPR 1-23. LPR 1-15 further is amended as part of the general restyling of the rules and is renumbered as part of the addition of Part III.

LPR ~~16.~~1-16. CLAIM CONSTRUCTION BRIEFING~~.~~

Not later than ~~twenty-one (21)~~ ~~thirty (30)~~ days after submitting to the ~~C~~court the Joint Claim Construction and Prehearing Statement, the party claiming patent infringement (~~,~~or the party asserting invalidity if there is no infringement issue present in the case) ~~,~~must~~shall~~ serve and file an opening claim construction brief and any evidence supporting its claim construction.

Not later than ~~twenty-one (21) fourteen (14)~~ days after service ~~upon it~~ of the~~an~~ opening brief, each opposing party must~~shall~~ serve and file its responsive brief and supporting evidence.

Not later than ~~seven (~~seven~~7)~~ days after service on ~~upon~~ it of a responsive brief, the party claiming patent infringement, or the party asserting invalidity if there is no infringement issue present in the case, must~~shall~~ serve and file any reply brief and any evidence directly rebutting the supporting evidence contained in an opposing party's response.

Committee Note

This amendment changes the deadline for filing and serving opening claim construction briefs. The purpose of the amendment is to accommodate the new sample scheduling order at LPR 1-23. LPR 1-16 further is amended as part of the general restyling of the rules and is renumbered as part of the addition of Part III.

LPR ~~16.~~1-17. CLAIM CONSTRUCTION HEARING~~.~~

The ~~C~~court may conduct a C~~c~~laim C~~c~~onstruction H~~h~~earing, if it believes a hearing is necessary for construction of the claims. A party may request a hearing at the time of its briefing under~~pursuant to~~ LPR ~~16.~~1-16.

Committee Note

LPR 1-17 is amended as part of the general restyling of the rules and is renumbered as part of the addition of Part III.

LPR ~~16.~~1-18. AMENDING CLAIM CONSTRUCTION SCHEDULE~~.~~

The claim~~-~~-construction schedule under this ~~R~~rule may be amended with leave of the ~~C~~court if~~as~~ circumstances warrant, including the ~~C~~court's decision to adjudicate issues regarding patent validity, patent enforceability, or both before claim construction is necessary.

Committee Note

LPR 1-18 is amended as part of the general restyling of the rules and is renumbered as part of the addition of Part III.

LPR ~~16.~~1-19. MANDATORY SETTLEMENT CONFERENCES FOR PATENT CASES~~.~~

Mandatory settlement conferences for patent cases ~~shall~~ must be conducted by the magistrate judge assigned to the case as follows:

(a) A Pre-Claim Construction Settlement Conference must~~shall~~ be held within ~~thirty (~~30~~)~~ days after the parties have submitted all initial disclosures and responses thereto as required under LPR ~~16.~~1-6 through LPR ~~16.~~1-12;

(b) A Post-Claim Construction Order Settlement conference mustshall be held within thirty (30) days after entry of the claim construction order;

(c) A Pretrial Settlement Conference mustshall be held within thirty (30) days after filing the Pretrial Order or further order of the Ccourt.

Committee Note

LPR 1-19 is amended as part of the general restyling of the rules and is renumbered as part of the addition of Part III.

LPR ~~16.~~1-20. STAY OF FEDERAL COURT PROCEEDINGS~~.~~

The ~~C~~court may order a stay of litigation pending the outcome of a reexamination proceeding before the United States Patent and Trademark Office that concerns a patent at issue in the federal court litigation. Whether the ~~C~~court stays litigation upon the request of a party will depend on the circumstances of each particular case, including without limitation: (1) whether a stay will unduly prejudice or present a clear tactical disadvantage to the nonmoving party, (2) ~~-~~whether a stay will simplify the issues in question and the trial of the case, (3) whether discovery is complete, and (4) whether a trial date has been set.

Committee Note

LPR 1-20 is amended as part of the general restyling of the rules and is renumbered as part of the addition of Part III.

LPR ~~16.~~1-21. GOOD FAITH PARTICIPATION~~.~~

A failure to make a good~~-~~faith effort to provide initial disclosures, narrow the instances of disputed claim~~-~~construction terms, participate in the ~~meet and confer~~meet-and-confer process, or comply with any other ~~of the~~ obligations under these ~~R~~rules may expose an attorney ~~counsel~~ to sanctions, including under 28 U.S.C. § 1927.

Committee Note

LPR 1-21 is amended as part of the general restyling of the rules and is renumbered as part of the addition of Part III.

LPR ~~16~~-1-~~.~~22. USE OF COURT APPOINTED MASTERS~~.~~

In a patent case, t~~T~~he ~~C~~court may appoint a master ~~in a patent case in accordance with~~under Fed. R. Civ. P. ~~Rule~~ 53. ~~of the Federal Rules of Civil Procedure.~~

Committee Note

LPR 1-22 is a new rule allowing the court to appoint a special master.

LPR ~~16~~ 1-~~.~~23. FORM OF DISCOVERY PLAN AND SCHEDULING ORDER~~.~~

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

_____,)	
Plaintiff,)	Case No.
)	
vs.)	[SAMPLE] DISCOVERY PLAN AND
)	SCHEDULING ORDER ~~[SAMPLE]~~
,)	
Defendant.)	SPECIAL SCHEDULING REVIEW
)	REQUESTED FOR A PATENT CASE
_____)	

~~Pursuant to Federal Rule of Civil Procedure~~Under Fed. R. Civ. P. 26(f), Local Rule 26-1, and Patent Local Rules 16.1-1 et seq., the respective parties conducted a discovery--planning conference on **January __~~1~~, 20__~~13~~**, and hereby submit to the c~~C~~ourt the following proposed Discovery Plan and Scheduling Order:

1. Discovery Cut-Off	**October __~~1~~, 20__~~13~~ (270 days)**
2. Joint Protective Order	**January __~~14~~, 20__~~13~~** [14 days ~~later~~after discovery-planning conference]
3. Disclosure of Rule 26(a) Initial Disclosures, Asserted Claims, and Infringement Contentions	**January __~~14~~, 20__~~13~~**
4. Disclosure of Non-Infringement, Invalidity, and Unenforceability Contentions	**March __~~February 28~~, 20__~~13~~** [45 days later]
5. Response to Non-Infringement Contentions	**March __~~14~~, 20__~~13~~** [14 days later]
6. Three ~~(3)~~ Proposed Dates for Pre-Claim Construction Settlement Conference	**April __4, 20__~~13~~; April __~~8~~, 20__~~13~~; April __~~9~~, 20__~~13~~** [3 proposed dates that are within 30 days after the completion of the Initial Disclosures and Responses]
7. Motion to Amend Pleadings/Parties	**July __~~1~~, 20__~~13~~** [90 days to close of discovery]
8. Expert Designations	**August __~~1~~, 20__~~13~~** [60 days to close of discovery, or as the parties may stipulate after claim construction order issued by c~~C~~ourt]
9. Rebuttal Expert Designations	**September __~~1~~, 20__~~13~~** [30 days to close of discovery]
10. Interim Status Report	**August __~~1~~, 20__~~13~~** [60 days to close of discovery]
11. Exchange of Proposed Terms of Construction	**April __~~1~~, 20__~~13~~** [90 days from Scheduling Conference]

12. Exchange of Preliminary Claim Construction	**April __~~14~~, 20__~~13~~** [14 days later]
13. Submit Joint Claim Construction and Prehearing Statement	**April __~~28~~, 20__~~13~~** [14 days later]
14. Opening Claim Construction Brief	**May __~~19~~, 20__~~13~~** [21 days later]
15. Response to Claim Construction Brief	**June __~~9~~, 20__~~13~~** [21 days later]
16. Reply Claim Construction Brief and Matter Submitted to c~~C~~ourt for Hearing	**June __~~16~~, 20__~~13~~** [7 days later]
17. Claim Construction Tutorials, Hearing, and Order from the c~~C~~ourt	**July __~~14~~, 20__~~13~~** [within 28 days after the Reply brief is filed, the c~~C~~ourt will complete its hearing and issue its order. If the c~~C~~ourt is unable to issue its order within 28 days after submission of the Reply brief, the c~~C~~ourt may reset expert disclosure deadlines as requested by a party or stipulation.]
18. Dispositive Motion Deadline	**November __~~1~~, 20__~~13~~** [30 days after discovery closes]

IT IS ORDERED that within **~~thirty (30)~~ days** after Initial Disclosures and Responses are complete, the parties must submit to a Pre-Claim Construction Settlement Conference as set by the c~~C~~ourt.

IT IS FURTHER ORDERED that within **~~thirty (30)~~ days** after the c~~C~~ourt enters a claim construction order, the parties must submit to a Post-Claim Construction Settlement Conference as set by the c~~C~~ourt.

IT IS FURTHER ORDERED that any extension of the discovery deadline will not be allowed without a showing of good cause for the extension. All motions or stipulations to extend discovery must~~shall~~ be received by the c~~C~~ourt at least **~~twenty-one (21)~~ days before the expiration of the subject deadline.** A request made after this date will~~shall~~ not be granted unless the movant demonstrates that the failure to act was the result of excusable neglect. The motion or stipulation must~~shall~~ include:

(a) A statement specifying the discovery completed by the parties as of the date of the motion or stipulation;

(b) A specific description of the discovery that remains to be completed;

(a) The reasons why the remaining discovery was not completed within the time limit of the existing discovery deadline; and

(b) A proposed schedule for the completion of all remaining discovery.

IT IS FURTHER ORDERED that, if no dispositive motions will be filed within the time specified in this o~~O~~rder, then the parties must file a written, joint proposed p~~P~~retrial o~~O~~rder within 30 days of the dispositive motion cutoff, on or before **December __~~1~~, 20__~~13~~**. If

dispositive motions are filed, then the parties must file a written, joint proposed p~~P~~retrial o~~O~~rder within 30 days of the date the c~~C~~ourt enters a ruling on the~~said~~ dispositive motions. Within 30 days of the entry of a p~~P~~retrial o~~O~~rder, or as further ordered by the c~~C~~ourt, the parties must submit to a p~~P~~retrial s~~S~~ettlement c~~C~~onference.

IT IS SO ORDERED.

_____

U~~U~~NITED STATES MAGISTRATE JUDGE

DATED: _____.

Committee Note

The purpose of LPR 1-23 is to provide a sample discovery plan and scheduling order for patent cases.

~~LOCAL RULES~~ PART IV – CRIMINAL PRACTICE

LCR 4-1. COMPLAINT, WARRANT, OR SUMMONS BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

(a) Discretion of the Court. The consideration of information related to a complaint, warrant, or summons communicated by telephone or other reliable electronic means is at the discretion of the court.

(b) Justification. The request to consider information related to a complaint, warrant, or summons communicated electronically must, to the extent applicable, include:

(1) The name, position or title, and physical location of the person providing the information;

(2) A brief description of the complaint, warrant, or summons; and

(3) A short, specific statement of the basis for the request that the information be considered by electronic means.

(c) Responsibility of the Requesting Party. It is the responsibility of the requesting party to:

(1) Have the testimony recorded verbatim by an electronic recording device, by a court reporter, or in writing;

(2) Have any recording or the reporter's notes transcribed, have the transcription certified as accurate, and file it;

(3) Sign any other written record, certify its accuracy, and file it; and

(4) File the exhibits.

Committee Note

LCR 4-1 is a new rule providing standards and procedures for consideration of information related to a complaint, warrant, or summons communicated by telephone or other reliable electronic means.

LCR 10-1. WRITTEN WAIVER OF DEFENDANT'S APPEARANCE AT ARRAIGNMENT~~.~~

A defendant who is charged by indictment or misdemeanor information may waive his or her right to be present for an arraignment if:

(a) At least ~~seven (~~seven~~7)~~ days ~~prior to~~before the date set for arraignment, the defendant and defense counsel sign and submit to the ~~C~~court a written waiver that contains the following declarations:

(1) ~~An acknowledgment that t~~The defendant has received and read a copy of the indictment or information~~,~~ and understands the nature of the charge(s);

(2) ~~A declaration that t~~The defendant understands that he or she has the right to remain silent, the right to trial by jury, the right to compulsory process, and the right to the assistance of counsel;

(3) ~~A declaration that c~~Counsel has no reason to question the defendant's competence to assist in the defense of the case;

(4) ~~An acknowledgement of the d~~Defendant~~'s~~ has a right to be present at the arraignment~~,~~ and ~~an expressed~~ waive~~sr of~~ that right; and~~,~~

(5) ~~A declaration that the d~~Defendant's plea to the charge(s) is not guilty; and~~,~~

(b) The ~~C~~court accepts the waiver.

Committee Note

LCR 10-1 is amended as part of the general restyling of the rules.

LCR 12-1. TIME FOR FILING MOTIONS, RESPONSES, AND REPLIES~~.~~

(a) Unless ~~otherwise specified by~~ the ~~C~~court orders otherwise:~~;~~

(1) Each party ~~shall have~~ has ~~thirty (~~30~~)~~ days from the ~~time of~~ arraignment ~~within which~~ to file and serve the pretrial motions and notices specified in subsection (b) of this ~~R~~rule;

(2) Responses to ~~such~~pretrial motions and notices ~~shall~~must be filed and served within ~~fourteen (~~14~~)~~ days from the date of service of the motion; and~~,~~

(3) A reply brief may be filed and served within ~~three (~~three~~3)~~ days from the date of service of the response. The reply brief ~~shall~~must only address arguments made in the response~~. to the motion.~~

(b) The following pretrial motions and notices must be filed within the time period ~~set forth~~ in subsection (a) of this ~~R~~rule:~~;~~

(1) Defenses and objections based ~~upon~~ on defects in the institution of the prosecution ~~(,~~ except challenges to the composition of the grand or petit jury, which are governed by 28 U.S.C. § 1867);

(2) Defenses and objections based ~~upon~~ on defects in the indictment or information (except ~~(other than~~ objections based on a failure to show the court's jurisdiction ~~in the Court~~ or to charge an offense, which ~~shall~~may be noticed by the ~~C~~court at any time during the pendency of the proceedings~~)~~);

(3) Motion for bill of particulars, Fed. R. Crim. P. 7(f);

(4) Motion to ~~server~~sever, Fed. R. Crim. P. 14;

(5) Written demand by the ~~Attorney for the United States~~government for notice of an alibi defense, Fed. R. Crim. P. 12.1;

(6) Notice of insanity defense or expert evidence of a mental condition, Fed. R. Crim. P. 12.2;

(7) Notice of defense based ~~upon~~on public authority, Fed. R. Crim. P. 12.3; and~~,~~

(8) Motion to suppress evidence, Fed. R. Crim. P. 41(h).

(c) Any party filing pretrial motions, responses to motions, or replies ~~pursuant to the time schedule set forth in subsection (a) of this Rule, or within any time period ordered by the Court, shall~~must provide a certification that the motion, response, or reply is ~~being~~ filed timely. The certification must~~shall~~ be ~~so~~ identified and must~~shall~~ be set forth separately as an opening paragraph in the~~on any such~~ motion, response, or reply.

(d) Fed. R. Crim.~~Civ.~~ P. ~~6~~ 45~~shall~~ governs the computation of time.

Committee Note

LCR 12-1 is amended as part of the general restyling of the rules. Subsection (b)(4) is amended to correct a typographical error. Subsection (b)(5) is amended to use the term "government" because this term is used throughout the rest of the Local Criminal Rules. Subsection (d) is amended to cite Fed. R. Crim. P. 45. The other amendments are for clarity, brevity, and readability.

LCR 16-1. DISCOVERY~~.~~

(a) Complex Cases~~.~~

(1) At any time after arraignment, the ~~C~~court on its own motion or on~~upon~~ motion by any party, and for good cause shown, may designate a case as complex.

(2) In all cases designated as complex, the parties must~~shall~~, ~~not later than seven (7)~~within seven days ~~following such~~of the designation, meet and confer to develop a proposed complex case schedule that addresses~~,~~ ~~addressing~~ the following:

(A) The scope, timing, and method of the disclosures required by federal statute, rule, or the United States Constitution, and any additional disclosures that will be made by the government;

(B) Whether the disclosures should be conducted in phases, and the timing of the~~such~~ disclosures;

(C) Discovery issues and other matters about which the parties agree or disagree, and the anticipated need, if any, for motion practice to resolve discovery disputes;

(D) Proposed dates for the filing of pretrial motions and for trial;~~ and,~~

(E) Stipulations for the~~with regard to the~~ exclusion of time for speedy trial purposes under ~~Title 18,~~ 18 U.S.C. § 3161;~~.~~ and

(F) Electronic exchange or storage of documents.

(3) The parties ~~shall~~ must file the proposed complex~~ ~~case schedule ~~no later than seven (7)~~within seven days after meeting and conferring under subsection~~Section~~ 16-1(a)(2).

(4) As soon as practicable after the filing of the proposed complex~~ ~~case schedule, the ~~C~~court ~~shall~~ must enter an order fixing the schedule for discovery, pretrial motions, and trial, and determining exclusions of time under ~~Title 18,~~ 18 U.S.C. § 3161, or ~~shall~~ must conduct a pretrial conference to address unresolved scheduling and discovery matters.

(b) Non-Complex Cases. In cases that~~which~~ are not designated as complex under subsection 16-~~ ~~1(a), the parties ~~shall~~ must meet and confer to designate whether discovery in the case will be governed by a joint discovery agreement or a government disclosure statement.

(1) Joint Discovery Agreement~~.~~

(A) The parties must meet and confer promptly to discuss the scope, timing, and method of the disclosures required by section 16-

1(b)(1)(B) and any additional disclosures that the parties agree upon. The parties must file a joint discovery agreement within seven days after arraignment, unless the court orders otherwise. The joint discovery agreement must set forth the scope, timing, and method of the required disclosures and any additional disclosures that the parties agree upon.

(B~~A~~) In cases that will be governed by a joint discovery agreement, the parties agree that:

(i) T~~t~~he government will ~~(A)~~ disclose:

(a) ~~a~~All matters required by ~~F~~federal ~~S~~statute, ~~R~~rule, or the United States Constitution;~~,~~ and

(b) ~~(B) subject to any applicable work product protections, law enforcement privileges, or protective orders, voluntarily disclose (a)~~ A~~a~~ny investigative reports that describe~~describing~~ facts relating to charges in the indictment and ~~(b)~~ any audio or video recordings that relate~~relating~~ to the charges in the indictment, subject to any applicable work-product protections, law-enforcement privileges, or protective orders.

(ii) The defense will make any reciprocal disclosures required by ~~F~~federal ~~S~~statute, ~~R~~rule, or the United States Constitution.

~~(B) The parties shall meet and confer promptly to discuss the scope, timing, and method of the disclosures required under section 16-1(b)(1)(i) and any additional disclosures upon which the parties agree. The parties shall file a joint discovery agreement within seven (7) days after arraignment, except upon leave of Court.~~

~~(C) The joint discovery agreement shall set forth the scope, timing, and method of the required disclosures and any additional disclosures upon which the parties agree.~~

(C~~D~~) In cases governed by a joint discovery agreement:

(i) All parties ~~shall~~ will be deemed to have made all requests, ~~or~~ demands, and reciprocal requests ~~,~~ for discovery and~~or~~ any notices required by statute, rule, or the United States Constitution;

(ii) All discovery matters ~~concerning discovery~~ ~~shall~~ will be deemed to be governed by LCR 16-1(b) ~~this section~~ and the joint discovery agreement;

(iii) The government ~~shall~~ must make the disclosures required by federal statute, rule, or the United States Constitution available within ~~seven (~~seven~~7)~~ days of filing the joint discovery statement;

(iv) The government ~~shall~~ must make all other disclosures to which it has agreed available within the times set forth in the joint discovery agreement;

(v) The defense ~~shall~~ must make~~provide the government with~~ its reciprocal disclosures available to the government no later than ~~fourteen (~~14~~)~~ days before trial;

(vi) Both parties ~~shall~~ have a continuing duty to disclose; and~~,~~

(vii) Neither party ~~shall~~ may withhold a disclosure subject to this ~~R~~rule or the joint discovery agreement without providing the other party with notice of the intention to withhold the disclosure. The notice ~~shall~~ must describe the nature of the disclosure being withheld and the basis ~~up~~on which it is being withheld in sufficient detail to permit the opposing party to file a discovery motion.

(2) Government Disclosure Statement~~.~~

(A) In cases in which the parties have not entered into a joint discovery agreement, the government ~~shall~~ must file a disclosure statement. In these ~~In such~~ cases, within ~~seven (~~seven~~7)~~ days of arraignment, the parties ~~shall~~ must meet and confer about~~regarding~~ the timing, scope, and method of the disclosures and reciprocal disclosures required by federal statute, rule, or the United States Constitution, and any additional disclosures that ~~which will be made by~~ the government will make.

(B) Within ~~seven (~~seven~~7)~~ days of the conference, but in no event more than ~~fourteen (~~14~~)~~ days after the date of arraignment, the government must~~shall~~ file its disclosure statement, which must~~shall~~ include the following information:

(i) The date on which the parties discussed the disclosure statement, or an explanation of why a discussion has not occurred;

(ii) The scope, timing, and method of the government~~'~~'s disclosures ~~required by federal statute, rule or the United States Constitution~~; and~~,~~

(iii) The scope, timing, and method of any additional disclosures that~~which will be made by~~ the government will make.

(c) Discovery Disputes. Before filing any motion for discovery, the attorney for the moving party ~~shall~~ must meet and confer with the opposing attorney~~counsel~~ in a good~~-~~-faith effort to resolve the discovery dispute. Any motion for discovery ~~shall~~ must contain a statement ~~of counsel for~~by the moving party's attorney certifying that, after personal consultation with ~~counsel~~ the attorney for the opposing party, ~~counsel has~~he or she has been unable to resolve the dispute without ~~C~~court action.

Committee Note

LCR 16-1 is amended as part of the general restyling of the rules. It further is amended to use the term "meet and confer," which is a defined term under LR IA 1-3(f) (Definitions). Subsection (b)(1) is reorganized for clarity, brevity, and readability. Subsection (b)(1)(C)(ii) adds a citation to LCR 16-1(b) for clarity. Subsection (b)(1)(C)(v) is revised for consistent use of the expression "make . . . available" with subsections (b)(1)(C)(iii) and (iv).

LCR 17-1. ISSUANCE OF SUBPOENAS REQUESTED BY THE FEDERAL PUBLIC DEFENDER~~.~~

(a) When a finding of indigency is made in a criminal case and the ~~C~~court orders the appointment of the Office of the Federal Public Defender ~~pursuant to~~under the Criminal Justice Act, 18 U.S.C. §§ 3006A, et seq., the ~~C~~clerk ~~shall~~ must issue subpoenas upon oral request and submission of prepared subpoenas by the attorneys of the Office of the Federal Public Defender. The cost of process, fees, and expenses of witnesses subpoenaed ~~shall~~ must be paid as for witnesses subpoenaed on behalf of the United States. The United States Marshal ~~shall~~ must provide these~~said~~ witnesses with advance funds for the purpose of travel within this ~~D~~district and subsistence. This ~~R~~rule ~~shall~~ only ~~apply~~ applies to witnesses who reside or are served within the District of Nevada. Any subpoenas that~~which~~ must be served outside the District of Nevada ~~shall~~ require court approval ~~of the Court as provided in~~under Fed. R. Crim. P. 17(b).

(b) A further showing of indigency or necessity ~~shall~~ will not be required after an order is entered ~~pursuant to~~under subsection (a) of this ~~R~~rule for subpoenas to be served within the District of Nevada.

(c) ~~Counsel~~ An attorney appointed under~~pursuant to~~ the Criminal Justice Act ~~shall~~ will be required to ~~make application pursuant to~~apply under Fed. R. Crim. P. 17(b) for the issuance of subpoenas, whether for service within or outside of~~without~~ the District of Nevada.

(d) A defendant who is acting ~~in~~ pro se ~~shall~~ must ~~in all cases make application pursuant to~~ apply under Fed. R. Crim. P. 17(b) for the issuance of subpoenas, whether for service within or outside of ~~without~~ the District of Nevada.

(e) The subpoena or proposed subpoena ~~order of appointment shall~~ must be in a form approved by the ~~C~~court.

Committee Note

LCR 17-1 is amended as part of the general restyling of the rules. Subsection (e) is amended to clarify that a subpoena or proposed subpoena must be in a form approved by the court.

~~**LCR 30-1. INSTRUCTIONS TO JURY.**~~

~~Counsel shall submit jury instructions in accordance with the order regarding pretrial procedure filed in each case.~~

Committee Note

Former LCR 30-1 (Instructions to Jury) is deleted as unnecessary.

LCR 32-1. SENTENCING~~.~~

In all cases that ~~which~~ are set for sentencing ~~upon~~ on a conviction for an offense, which occurred after November 1, 1987, the provisions of Fed. R. Crim. P. 32(b) and the following procedure ~~shall~~ apply ~~except as otherwise ordered by~~unless the ~~C~~court orders otherwise:

(a) Unless waived by the defendant, ~~not less than thirty-five (35) days before the date set for sentencing,~~ the probation officer must furnish the pre-sentence investigation report referenced in Fed. R. Crim. P. 32 to the defendant, the defendant's ~~counsel~~attorney, and the Attorney for the United States at least 35 days before the sentencing hearing.

(b) The ~~Within fourteen (14) days after receiving the pre-sentence report, the~~ parties ~~shall~~ must communicate in writing ~~with~~ to each other and to the probation officer within 14 days after receiving the presentence investigation report any objections to the pre-sentence investigation report that will affect the probation officer's recommendation to the ~~C~~court. After receiving the objections, the probation officer may meet with the parties and revise the report before submitting it~~the report~~ to the ~~C~~court.~~;~~

(c) The pre-sentence investigation report and anyany addendumа or and revision(s) shall must be submitted to the Ccourt not later than seven (7)at least seven business Court days before the sentencing hearing. Allny revisions andor addenda shall alsomust be provided to the parties.

(c) (d) Any sentencing memorandum addressing any unresolved objections to the pre-sentence investigation report or other sentencing issues shall must be filed by either party and served upon opposing attorneyscounsel and the United States Probation Office not later than five (5at least five) businessCourt days before the sentencing hearing, and any. Any response by the parties to the sentencing memorandum must be filed and served not later thanat least three (three3) businessCourt days prior to the date set for sentencingbefore the sentencing hearing.

Committee Note

LCR 32-1 is amended as part of the general restyling of the rules. The term "pre-sentence report" is changed to "presentence investigation report" in conformity with Fed. R. Crim. P. 32. The term "court days" is changed to "business days" to make clear that the rule references business days. The remaining revisions are for clarity, brevity, and readability.

LCR 32-2. DISCLOSURE OF PRESENTENCE INVESTIGATION REPORTS, SUPERVISION RECORDS OF THE UNITED STATES PROBATION OFFICE, AND TESTIMONY OF THE PROBATION OFFICER.

(a) Confidentiality. The presentence investigation report, supporting documents, and supervision records are confidential court documents of the Court and are not available for public inspection. They are not to be reproduced or distributed to other agencies or other individuals withoutunless permission is granted byof the determining official or whenas mandated by statute. The determining official authorized to make disclosure decisions under this Rrule is a district judge, magistrate judge, or Chief Probation Officer (after consultation with the Chief Judge) of the District of Nevada.

(b) DisclosureRelease of the Presentence Investigation Report and Confidential Materials for Sentencing Purposes of Sentencing.

(1) When a copy or draft of a presentence investigation report is released for sentencing purposesprovided to the parties, the Probation Office will advise the parties of the release in writing that (Aі) defense counsel is responsible for providing the defendant with a copy of the report, (Bii) the report is not a public record, and (Ciii) the contents of the report may not be further disclosed to unauthorized persons.

(2) If the presentence investigation report (Aі) contains information or material that includes diagnostic opinions which that might seriously

disrupt a program of rehabilitation, (~~i~~B~~i~~) identifies a source of information obtained upon a promise of confidentiality, or (C~~iii~~) contains any other information that,~~which,~~ if disclosed, might result in harm, physical or otherwise, to the defendant or another person, the~~such~~ information must~~will~~ be excluded from the presentence investigation report and included in an addendum or attachment that~~, which shall~~ must not be distributed to the defendant's ~~counsel~~ attorney or the attorney for the government. ~~Counsel shall~~Attorneys must be notified in writing that sensitive or confidential~~such~~ materials have been delivered to the ~~C~~court under this provision. This procedure ~~shall~~ constitutes compliance with ~~Federal Rules of Criminal Procedure~~Fed. R. Crim. P. 32(d)(3) and 32(i)(1)(B).

(c) Application for Disclosure of Presentence Investigation Reports or Supervision Records for Purposes Other t~~T~~han Sentencing.

(1) T~~Disclosure of t~~he presentence investigation report, supporting documents, and ~~or~~ supervision records may be disclosed~~,~~ for purposes other than sentencing of the defendant~~, shall be made~~ only upon written application accompanied by an affidavit ~~setting forth a description of~~describing the records sought, ~~an explanation of~~explaining their relevance to the proceedings, and ~~statement of~~stating the reasons ~~why~~ the information contained in the records is not readily available from other sources or by other means. If~~Where~~ the request does not comply with this ~~R~~rule, the determining official may ~~—~~deny the request or request additional information.

(2) The written application ~~shall~~ must be provided to the determining official ~~at~~ at least ~~fourteen (~~14~~)~~ days ~~in advance of the time~~before the production of records is required. Failure to meet this ~~requirement~~deadline ~~shall~~ constitutes a sufficient basis for denial of the request.

(3) The determining official may waive the ~~fourteen (~~14~~)~~ day requirement upon a showing of a good~~-~~ faith attempt to comply with this ~~R~~rule.

(d) Testimony of a Probation Officer. A request for testimony of a probation officer must ~~shall comply with the requirement set forth in~~satisfy subsection (c) of this r~~R~~ule.

Committee Note

LCR 32-2 is amended as part of the general restyling of the rules. In subsection (b)(1), the phrase "released for sentencing purposes" is changed to "provided to the parties" for clarity.

LCR 35-1. MOTIONS AND RESPONSES~~REPSONSES~~ UNDER ~~PURUANT TO~~ FED. R. CRIM. P. 35~~.~~

When a defendant files a motion for modification of sentence ~~pursuant to~~under Fed. R. Crim. 35, the defendant must serve the motion on~~shall serve the same upon~~ the government ~~United States;, and~~ the ~~United States shall be required to~~ government then has 21 days to file and serve a response ~~within twenty-one (21) days thereafter~~. ~~*In regard to such motions, reference is also made to*~~ *See also* LSR 4-1.

Committee Note

LCR 35-1 is amended as part of the general restyling of the rules. The title of LCR 35-1 is amended to correct a typographical error.

LCR 44-1. APPOINTMENT OF COUNSEL~~.~~

For procedures governing appointment of counsel, see the Plan for Administration of the Criminal Justice Act of 1964, as amended, which has been adopted by the District of Nevada. A copy of the p~~P~~lan may be obtained from the ~~C~~Clerk of ~~the C~~Court.

Committee Note

LCR 44-1 is amended as part of the general restyling of the rules.

LCR 44-2. DESIGNATION OF RETAINED COUNSEL~~.~~

Except for the Federal Public Defender and attorneys appointed by the ~~C~~court, no attorney ~~shall~~ will be considered by the ~~C~~court as an attorney of record for a defendant in a criminal case until ~~after there shall be filed with the Clerk~~ a written designation of retained counsel, signed by the defendant and the attorney, is filed. A copy of the designation of retained counsel must ~~thereof shall~~ be served ~~upon the United States Attorney~~on the government.

Committee Note

LCR 44-2 is amended as part of the general restyling of the rules.

LCR 44-3. CONTINUITY OF REPRESENTATION ON APPEAL~~.~~

~~Counsel~~ An attorney in a criminal case~~s~~, whether retained by the defendant or appointed by the ~~D~~district ~~C~~court, ~~shall~~ must ascertain whether the defendant wishes to appeal and must file a notice of appeal upon the defendant's request, regardless of any waivers in the plea agreement. ~~Counsel shall~~ An attorney must continue to represent the defendant on appeal until ~~counsel~~ the attorney is ~~-~~relieved and replaced by a substitute ~~counsel~~ attorney or by the defendant acting pro se under ~~in accordance with~~ Ninth Circuit Rule 4-1 ~~of the Ninth Circuit Rules~~.

(a) When ~~counsel~~ an attorney was retained for trial:

(1) If the defendant is not indigent for purposes of appeal, ~~trial counsel shall~~ the attorney must continue to represent the defendant until relieved by the ~~trial court~~district court ~~prior to~~before the filing of the notice of appeal or by the ~~Circuit~~ Court of Appeals after the filing of the notice of appeal.

(2) If the defendant is indigent for purposes of appeal, ~~retained counsel shall~~ the attorney must submit to the district court a financial affidavit (Form CJA 23) completed by the defendant, along with an application for

appointment of counsel ~~to the District Court at the time of sentencing~~. If a notice of appeal is~~has been~~ filed before the application for appointment of counsel is filed, the application for appointment of counsel and the financial affidavit must be filed with the Court of Appeals ~~pursuant to~~under Ninth Circuit Rule 4-1.

(b) When ~~counsel~~an attorney was appointed for trial:

(1) If ~~counsel~~ the attorney was appointed by the ~~D~~district ~~C~~court ~~pursuant to~~under 18 U.S.C. § -3006A and a notice of appeal has been filed, ~~counsel's~~ the attorney's appointment automatically ~~shall~~ continues on appeal.

(2) ~~In the event that counsel~~If the attorney is unable to, or should not, represent the defendant on appeal, the attorney must~~counsel shall~~ at the sentencing hearing request to be relieved as ~~counsel~~ attorney and for the appointment of ~~counsel on appeal at the time of sentencing~~an attorney for the appeal. After the notice of appeal has been filed, this~~such~~ relief must be sought from the Court of Appeals.

Committee Note

LCR 44-3 is amended as part of the general restyling of the rules. Subsection (a)(2) is amended to clarify the procedure for submitting the financial affidavit form and application for appointment of counsel.

~~**LCR 45-1. REQUESTS FOR CONTINUANCE, EXTENSION OF TIME OR ORDER SHORTENING TIME.**~~

~~(a) Every A motion requesting a continuance, extension of time, or order shortening time shall must be "Filed" by the Clerk and processed as an expedited matter. *Ex parte* motions and stipulations shall are be governed by LCR 45-3.~~

~~(b) Every A motion or stipulation to extend time shall must state the reasons for the extension and must inform the Court of any all previous extensions of the subject deadline the Court granted. and state the reasons for the extension requested. Example: 'This is the first stipulation for extension of time to file motions." A request made after the expiration of the specified period shall will not be granted unless the moving party, attorney, or other person demonstrates that the failure to act was the result of excusable neglect. Immediately below the title of such the motion or stipulation there shall also must be included a statement indicating whether it is the first, second, third, etc., requested extension, i.e.:~~

~~STIPULATION FOR EXTENSION OF TIME TO FILE MOTIONS (First Request)~~

~~(c) The Court may set aside any extension obtained in contravention of this Rule.~~

~~(d) A stipulation or motion seeking to extend the time to file an opposition or final reply to a motion, or to extend the time fixed for hearing a motion, must state in its opening paragraph the filing date of the motion.~~

~~(e) Motions to shorten time will be granted only upon an attorney or party's declaration describing the circumstances claimed to constitute good cause to justify shortening of time. The moving party must advice the Courtroom Administrator for the assigned judge that a motion for an order shortening time was filed.~~

Committee Note

For brevity, former LCR 45-1 (Requests for Continuance, Extension of Time or Order Shortening Time) and LR 6-1 are deleted from the Local Criminal Rules and Local Civil Rules, respectively, combined into one rule, and renumbered as LR IA 6-1.

LCR 45-12. STIPULATIONS - GENERALLY~~.~~

All stipulations (except those made on the record) ~~shall~~ must be filed on the docket ~~be served on all other parties who have appeared~~ and ~~shall~~ will not be effective until approved by the ~~C~~court.

Committee Note

LCR 45-1 is amended as part of the general restyling of the rules and is renumbered. The phrase "must be served on all other parties who have appeared" is replaced with "must be filed on the docket" to clarify that all stipulations must be filed in the court's docket.

~~**LCR 45-3. REQUIRED FORM OF ORDER FOR STIPULATIONS AND *EX PARTE* MOTIONS.**~~

~~(a) Any stipulation or *ex parte* motion requesting a continuance, extension of time, or order shortening time, and any other stipulation requiring an order shall not initially be "Filed" by the Clerk, but shall be marked "Received." Every such A stipulation or *ex parte* motion shall must include an "Order" in the form of a signature block on which the Court can endorse approval of the relief sought. This signature block shall must not be on a separate page, but shallmust appear approximately one inch (1") below the last typewritten matter on the right- hand side of the last page of the stipulation or *ex parte* motion, and shall must read as follows:~~

~~"IT IS SO ORDERED:~~

~~[UNITED STATES DISTRICT JUDGE,~~
~~UNITED STATES MAGISTRATE JUDGE,~~
~~(whichever is appropriate)]~~

~~DATED: _____"~~

~~(b) Upon approval, amendment or denial, the stipulation or ex parte motion shall be filed and processed by the Clerk in such manner as may be necessary.~~

Committee Note

For brevity, former LCR 45-3 (Required Form of Order for Stipulations and Ex Parte Motions) and LR 6-2 (Required Form of Orders for Stipulations and Ex Parte and Unopposed Motions) are deleted from the Local Criminal Rules and Local Civil Rules, respectively, combined into one rule, and moved to LR IA 6-2.

LCR 45-24. CONTINUANCE OF TRIAL DATE – SPEEDY TRIAL ACT~~.~~

A request to continue a trial date, whether by motion or stipulation, will not be considered unless it sets forth in detail the reasons ~~why~~ a continuance is necessary and the relevant statutory citations for~~regarding~~ excludable periods of delay, if any, under the Speedy Trial Act, 18 U.S.C. § ~~-~~3161(h). The request must be accompanied by a proposed order that contains factual findings and relevant statutory citations, if any.

Committee Note

LCR 45-2 is amended as part of the general restyling of the rules and is renumbered.

LCR 46-1. APPEARANCE BONDS~~.~~

Any person admitted to bail ~~shall~~ will be required to execute an appearance bond in a form approved by the ~~C~~court.

Committee Note

LCR 46-1 is amended as part of the general restyling of the rules.

LCR 46-2. QUALIFICATION OF SURETY~~.~~

Except for personal ~~–~~recognizance bonds and bonds secured by cash or negotiable bonds or notes of the United States ~~as provided for in~~under LCR 46-3, every bond must have as surety:

(a) A corporation authorized by the United States Secretary of the Treasury to act as surety on official bonds under 31 U.S.C. §§ 9304 through 9306; ~~or,~~

(b) A corporation authorized to act as surety under the laws of the State of Nevada and that has~~,~~ ~~which corporation shall have~~ on file with the ~~C~~clerk a certified copy of its certificate of authority to do business in the State of Nevada, together with a certified copy of the power of attorney appointing the agent authorized to execute the bond;

(c) One or more individuals ~~each of whom owns~~who own real or personal property sufficient to justify the full amount of the suretyship; or~~,~~

(d) Any~~Such~~ other security ~~as~~ the ~~C~~court ~~shall~~ may order.

Committee Note

LCR 46-2 is amended as part of the general restyling of the rules.

LCR 46-3. DEPOSIT OF MONEY OR UNITED STATES OBLIGATION IN LIEU OF SURETY.

~~Upon order of the Court~~When ordered by the court, there may be deposited with the ~~C~~clerk in lieu of surety:

(a) Lawful money accompanied by an affidavit that identifies the money's legal owner ~~thereof~~; or

(b) Negotiable bonds or notes of the United States accompanied by an executed agreement ~~as~~ required by 31 U.S.C. § 9303(a)(3) that authorizes~~authorizing~~ the ~~C~~clerk to collect or sell the bonds or notes in the event of default.

Committee Note

LCR 46-3 is amended as part of the general restyling of the rules.

LCR 46-4. APPROVAL BY THE COURT.

An appearance bond ~~shall require the approval of a judicial officer~~requires a judicial officer's approval. An approved appearance bond ~~shall~~ must be immediately forwarded to the ~~C~~clerk for filing ~~together~~ with any money deposited with ~~that~~ the judicial officer as security.

Committee Note

LCR 46-4 is amended as part of the general restyling of the rules.

LCR 46-5. PERSONS NOT TO ACT AS SURETIES.

~~Neither an o~~Officers of this ~~C~~court, ~~nor any~~ members of the ~~B~~bar of this ~~C~~court, ~~nor any~~ nonresident attorneys specially admitted to practice before this ~~C~~court, and ~~nor~~ their office associates or employees ~~shall~~ may not act as surety in this ~~C~~court.

Committee Note

LCR 46-5 is amended as part of the general restyling of the rules.

LCR 46-6. JUDGMENT AGAINST SURETIES.

Regardless of what may be otherwise provided in any security instrument, every surety who provides a bond or other undertaking for filing with this ~~C~~court thereby submits to the court's jurisdiction ~~of the Court~~ and irrevocably appoints the ~~C~~clerk as agent on~~upon~~ whom any paper affecting liability on the bond or undertaking may be served. Liability ~~shall~~ will be joint and several and may be enforced summarily without independent action. Service may be made

~~upon~~ on the ~~C~~clerk, who must immediately~~shall forthwith~~ mail a copy to the surety at the last known address.

Committee Note

LCR 46-6 is amended as part of the general restyling of the rules.

LCR 46-7. FURTHER SECURITY OR JUSTIFICATION OF PERSONAL SURETIES.

At any time, upon and with reasonable notice to all other parties, any party for whose benefit a bond is presented may apply to the Ccourt for further or different security or for an order requiring personal sureties to justify.

Committee Note

LCR 46-7 is amended as part of the general restyling of the rules. The words "to justify" are deleted for clarity.

LCR 46-8. INVESTMENT OF FUNDS ON DEPOSIT.

(a) Unless the court orders otherwise, Ffunds on deposit in the court's Registry Account of the Court pursuant tounder 28 U.S.C. § 2041 will be invested in an interest--bearing account established by the Cclerk. in the absence of an order by the Court.

(b) All motions or stipulations for an order directing the Cclerk to invest Registry Account funds in an alternative account other than the Ccourt's standard interest-bearing account shall must contain the following:

(1) The name of the bank or financial institution where the funds are to be invested;

(2) The type of account or instrument and the terms of investment where a timed instrument is involved; and,

(3) Language that either:

(A) Directs the Cclerk to deduct from income earned on the investment a fee, not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office; or,

(B) States affirmatively that the investment is being made for the benefit of the United States and, therefore, no fee shall may be charged.

(c) Counsel An attorney or pro se party obtaining an order under these Rrules shall must cause a copy of the order to be served personally upon on (1) the Cclerk or

(2) the chief deputy and the financial deputy. A supervisory deputy clerk may accept service on behalf of the ~~C~~clerk, chief deputy, or financial deputy in their absence.

(d) The ~~C~~clerk ~~shall~~ must take all reasonable steps to deposit funds into interest-bearing accounts or instruments within ~~, but not more than fourteen (~~14~~)~~ days after ~~having been served with a copy~~service of the order for the~~such~~ investment.

(e) ~~Any~~ An attorney or pro se party who obtains an order directing investment of funds by the ~~C~~clerk ~~shall~~must, within ~~fourteen (~~14~~)~~ days after service of the order on the ~~C~~clerk, verify ~~that~~ the funds ~~have been~~were invested as ordered.

(f) An attorney or pro se party's ~~F~~failure ~~of the party or parties~~ to personally serve (1) the ~~C~~clerk~~,~~ or (2) the chief deputy and the financial deputy, or in their absence a supervisory deputy clerk, with a copy of the order, or failure to verify investment of the funds, ~~shall~~ will release the ~~C~~clerk from any liability for ~~the loss of~~lost earned interest on ~~such~~ the funds.

(g) ~~It shall be the responsibility of counsel to notice~~An attorney or pro se party must notify the ~~C~~clerk regarding disposition of funds at maturity of a timed instrument. In the absence of this~~such~~ notice, funds invested in a timed instrument subject to renewal will be reinvested for a like period of time at the prevailing interest rate. Funds invested in a timed instrument not subject to renewal must~~will~~ be re-deposited by the ~~C~~clerk ~~on~~ in the court's Registry Account ~~of the Court~~, which is a non-~~-~~interest~~-~~bearing account.

(h) Service of notice by ~~counsel~~ an attorney or pro se party ~~as required by~~under LCR 46-8(g) ~~shall~~ must be made as directed~~provided~~ in LCR 46-8(c) at least~~not later than fourteen (~~14~~)~~ days ~~prior to~~ before ~~maturity of~~ the timed instrument matures.

(i) ~~Any change in terms~~No term or condition~~s~~ of an investment may be changed without~~shall be by~~ ~~C~~court order~~, only~~ and ~~counsel~~ an attorney or pro se party ~~will be required to~~ must comply with LCR 46-8~~-~~(b) and (c).

Committee Note

LCR 46-8 is amended as part of the general restyling of the rules. Structural subdivisions are added to subsections (c) and (f) to clarify who must be served with the court's order under this rule. In subsection (f), the phrase "the loss of earned interest" is replace with "lost earned interest" to conform LCR 46-8(f) to LR 67-2(f).

LCR 46-9. EXONERATION OF BONDS~~.~~

(a) Upon exoneration of any bond involving the deposit of cash bail funds in the court's~~Court's~~ Registry Account, the ~~C~~clerk ~~shall make~~must refund ~~of the~~such

funds solely to the person denominated legal owner at the time the funds were deposited with and received by the ~~C~~clerk.

(b) No assignment of any deposited cash bail funds in the court's~~Court's~~ Registry Account ~~shall~~ will be effective for refund purposes by the ~~C~~clerk unless the person denominated legal owner of the~~such~~ funds ~~at the time of deposit~~, as assignor, files with the ~~C~~clerk an executed, notarized acknowledgement of the assignment of the~~any such~~ funds.

(c) Upon court order ~~of the Court~~, the ~~C~~clerk must~~shall~~ apply any cash bail funds of which the defendant is legal owner of record, whether invested or on deposit in the Registry Account, to the payment and satisfaction of any ~~C~~court-imposed fine. ~~Said~~ This payment ~~shall~~ must take place before either making refund of the remainder of the~~such~~ cash bail funds, if any, to ~~said~~ the defendant or, to any extent, honoring a defendant's assignment of ~~such~~ the funds.

Committee Note

LCR 46-9 is amended as part of the general restyling of the rules.

LCR 47-1. MOTIONS.

All motions~~,~~ ~~—~~ unless made during a hearing or trial ~~—~~, ~~shall~~ must be in writing and served on all other parties who have appeared. The motion must be supported by a memorandum of points and authorities. The motion and supporting memorandum of points and authorities must be combined into a single document that complies with the page limits in LCR 47-2.

Committee Note

LCR 47-1 is amended in parallel with LR 7-2(a). It further is amended as part of the general restyling of the rules.

~~**LCR 47-2. *EX PARTE* MOTIONS.**~~

~~(a) All *ex parte* motions, applications or requests shall must contain a statement showing good cause why the matter was submitted to the Court without notice to all parties; and,~~

~~(b) All *ex parte* matters shall must state the efforts made to obtain a stipulation and why a stipulation was not obtained.~~

~~**LCR 47-3. *EX PARTE* COMMUNICATIONS.**~~

~~(a) Neither a party nor an attorneycounsel for any party shall may make an *ex parte* communication with the Court except as specifically permitted by these Rules.~~

~~(b) Any party, counsel or those acting in pro se, A *pro se* party or attorney may submit and serve a letter to the Court at the expiration of sixty (60) days after any matter has been, or should have been, submitted to the Court for decision if the Court has not entered its written ruling.~~

Committee Note

For brevity, former LCR 47-2 (Ex Parte Motions) and LCR 47-3 (Ex Parte Communications) are deleted from the Local Criminal Rules, combined with former LR 7-6 (Ex Parte Communications) from the Local Civil Rules, and are renumbered as LR IA 7-2.

~~**LCR 47-4. *IN CAMERA* SUBMISSIONS AND SEALING OF DOCUMENTS.**~~

~~Papers submitted for *in camera* inspection shall have a captioned cover sheet complying with LCR 47-6 that indicates the document is being submitted *in camera* and shall be accompanied by an envelope large enough for the *in camera* papers to be sealed in without being folded.~~

~~Any party who files a document under seal must include with the document either a certificate of service certifying that the sealed document has been served on the opposing party or parties, or an affidavit of counsel showing good cause why the document has not been served on the opposing party or parties.~~

Committee Note

For brevity, former LCR 47-4 (In Camera Submissions and Sealing of Documents) and former LR 10-5 (In Camera Submissions and Sealed Documents) are deleted from the Local Criminal Rules and Local Civil Rules, respectively, combined into one rule, and renumbered as LR IA 10-4.

~~**LCR 47-5. FORM OF PAPERS - GENERALLY.**~~

~~(a) Any paper filed that does not conform to an applicable provision of these Rules or any Federal Rule of Criminal Procedure may be stricken.~~

~~(b) Papers presented for filing shall~~Documents filed manually must be flat, unfolded, firmly ~~bound together at the top, and on eight-and-one-half inches by eleven inch (8 ½ " x 11") paper. Except for exhibits, quotations, the caption, title of the Court and the name of the case, lines of typewritten text shall be double-spaced, and except for the title page, shall~~ must ~~begin at least one-and one-half inches (1½") from the top of the page. All handwriting shall~~ must ~~be legible, and all typewriting shall~~ must ~~be of a size which is either not more than ten (10) characters per linear inch or not less than twelve (12) points for proportional spaced fonts or equivalent. All quotations longer than one (1) sentence~~ must~~shall be indented. All pages of each pleading or other paper filed with the Court (exclusive of exhibits)~~ must~~shall be numbered consecutively.~~

Committee Note

For brevity, former LCR 47-5 (Form of Papers – Generally) and former LR 10-1 (Form of Papers Generally) are deleted from the Local Criminal Rules and Local Civil Rules, respectively, combined into one rule, and renumbered as LR IA 10-1.

~~LCR 47-6. CAPTION, TITLE OF COURT AND NAME OF CASE.~~

~~The following information shall must be stated upon on the first page of every paper presented for filing, and must be single- spaced:~~

~~(a) The name, address, telephone number, fax number and Nevada State Bar number, if any, of the attorney and any associated attorney filing the paper, whether such the attorney appears for the plaintiff, defendant or other party, or the name, address and telephone number of a party appearing in *pro se*. This information shall must be set forth in the space to the left of center of the page beginning at the top of the first page. The space to the right of center shall must be reserved for the filing marks of the Clerk.~~

~~(b) The Court's title of the Court shall must appear at the center of the first page at least one inch (1") below the information required by subsection (a) of this Rule, as follows:~~

~~UNITED STATES DISTRICT COURT~~
~~DISTRICT OF NEVADA~~

~~(c) The name of the action or proceeding shall must appear below the Court's title of the Court, in the space to the left of center of the paper, as followsi.e.:~~

~~UNITED STATES OF AMERICA,)~~
~~)~~
~~Plaintiff,)~~
~~)~~
~~vs.)~~
~~)~~
~~RICHARD ROE,)~~
~~)~~
~~Defendant.)~~

~~(d) In the space to the right of center, there shall be inserted the docket number must be inserted, which must shall include a designation of the nature of the case ("CR" for criminal), the Division of the Court ("2" for Southern and "3" for Northern), and, except for the original pleading, the case number and the initials of the presiding district judge followed in parentheses by the magistrate judge's initials of the magistrate judge if one has been assigned. This information shall be separated as followsExample: 3:05-CR-115-HDM (RAM).~~

~~(e) Immediately below the caption and the docket number there shall be inserted the name of the paper must be inserted. and wWhenever there is more than one defendant, a designation of the parties affected by itthe document must be included., e.g., Example: Defendant Richard Roe's Motion for Disclosure of Confidential Informant.~~

Committee Note

For brevity, former LCR 47-6 (Caption, Title of Court, and Name of Case) and former LR 10-2 (Caption, Title of Court, and Name of Case) are deleted from the Local Criminal Rules and Local Civil Rules, respectively, combined into one rule, and renumbered as LR IA 10-2.

LCR 47-2~~7~~. PAGE LIMITS FOR ~~LIMITATION ON LENGTH OF~~ BRIEFS AND POINTS AND AUTHORITIES~~;~~ ~~AND~~ REQUIREMENT FOR INDEX AND TABLE OF AUTHORITIES~~.~~

Unless ~~otherwise ordered by~~ the ~~C~~court orders otherwise, pretrial and post-trial briefs, motions, and responses to motions are ~~and points and authorities in support of, or in response to, motions shall be~~ limited to ~~thirty (~~30~~)~~ pages, ~~including the motion but~~ excluding exhibits. ~~Reply briefs and points and authorities shall be~~Replies in support of a motion are limited to ~~twenty (~~20~~)~~ pages, excluding exhibits. ~~If~~~~Where~~ the ~~C~~court enters an order permitting a party to exceed these page limits, the document ~~longer brief or points and authorities, the papers shall~~ must include an index and table of authorities.

Committee Note

LCR 47-2 is amended in parallel with LR 7-3. It further is amended as part of the general restyling of the rules and is renumbered. The title of the rule is amended for brevity.

~~**LCR 47-8. CITATIONS OF AUTHORITY.**~~

~~(a) References to an act of Congress shall must include the United States Code citation, if available. When a federal regulation is cited, References to federal regulations must include the Code of Federal Regulations' title, section, page, and year, shall be given.~~

~~(b) When a Supreme Court decision is cited, the citation of the United States Reports shall must be given. When a decision of a court of appeals, a district court, or other federal court has been reported in the Federal Reporter System, that citation shall must be given. When a decision of a state appellate court has been reported in West's National Reporter System, that citation shall must be given. All citations shall must include the specific page or pages upon which the pertinent language appears.~~

Committee Note

For brevity, former LCR 47-8 (Citations of Authority) and former LR 7-3 (Citations of Authority) are deleted from the Local Criminal Rules and Local Civil Rules, respectively, combined into one rule, and renumbered as LR IA 7-3.

LCR 47-3~~9~~. FAILURE TO FILE POINTS AND AUTHORITIES~~.~~

The failure of a moving party to include~~file~~ points and authorities in support of the motion ~~shall~~ constitute~~s~~ a consent to ~~the denial of~~denying the motion. The failure of an opposing

party to includefile points and authorities in response to any motion shall constitutes a consent to the granting of the motion.

Committee Note

LCR 47-3 is amended as part of the general restyling of the rules and is renumbered.

~~**LCR 47-10. EXHIBITS.**~~

~~All exhibits attached to papers shall must show the exhibit number at the bottom thereof. Exhibits need not be typewritten and may be copies, but must be clearly legible and not unnecessarily voluminous.~~
~~Counsel An attorney or *pro se* party must reduce oversized exhibits to eight and one-half by eleven inches (8 ½ " x 11") unless such reduction would destroy legibility or authenticity. An oversized exhibit that cannot be reduced shall must be filed separately with a captioned cover sheet, identifying the exhibit and the document(s) to which it relates.~~

Committee Note

For brevity, former LCR 47-10 (Exhibits) and former LR 10-3 (Exhibits) are deleted from the Local Criminal Rules and Local Civil Rules, respectively, combined into one rule, and renumbered as LR IA 10-3.

LCR 47-411. PROOF OF SERVICE.

(a) All papers required or permitted to be served shallmust, at the time they are presented for filing, be accompanied by written proof of service. The proof shall must show the day and manner of service and may be by written acknowledgment of service or written certificate by the person who served the papers. The Ccourt will not take action on any papers until proof of service is filed. If an acknowledgment or certificate of service is attached to a paper presented for filing, it shall be attached underneath. For requirements for proof of service of electronically filed documents, see LR IC 4-1.

(b) Failure to provide make the proof of service required by this Rule does not affect the validity of the service. Unless material prejudice would result, the Ccourt may at any time allow the proof of service to be amended or supplied.

Committee Note

LCR 47-4 is amended as part of the general restyling of the rules and is renumbered. The penultimate sentence of subsection (a) is deleted as unnecessary.

~~**LCR 47-12. SUBMISSION OF MOTIONS TO THE COURT.**~~

~~After all motion papers are filed or the time period therefore has expired, all motions shall be submitted by the Clerk to the Court for decision unless the party who made the motion files a written withdrawal of the motion.~~

Committee Note

Former LCR 47-12 (Submission of Motions to the Court) is deleted because it is obsolete in light of electronic filing.

LCR 49-1. SERVICE OF DOCUMENTS BY ELECTRONIC MEANS

Documents may be served by electronic means to the extent and in the manner authorized by ~~further Special Order of the Court~~Part IC of these rules. Transmission of the Notice of Electronic Filing (NEF) constitutes service of the filed document on each party in the case who is registered as an electronic case filing user with the clerk. All others must be served documents according to these ~~Local~~ rules, the Federal Rules of Criminal Procedure, and the Federal Rules of Civil Procedure.

Committee Note

LCR 49-1 is a new rule regarding procedures for electronic service.

LCR 55-1. FILES AND EXHIBITS - CUSTODY AND WITHDRAWAL~~.~~

(a) All files and records of the ~~C~~court ~~shall~~ must remain in the custody of the ~~C~~clerk, and ~~no~~ record~~s~~ or paper~~s~~ belonging to the court's files ~~of the Court shall~~ may not be taken from the clerk's custody ~~of the Clerk~~ without the court's written permission ~~of the Court~~, and then only after a receipt has been signed by the person obtaining the record or paper.

(b) The ~~C~~clerk ~~shall~~ must mark and have safekeeping responsibility for all exhibits marked and identified at trial or hearing. Unless there is some special reason why the originals should be retained, the ~~C~~court may order exhibits to be returned to the party who offered them~~the same~~ upon the filing of true copies ~~thereof~~ of the exhibits in place of the originals.

(c) Unless ~~otherwise ordered by~~ the ~~C~~court orders otherwise ~~in a particular case~~, the ~~C~~clerk ~~shall~~ must continue to have custody of the exhibits until the judgment has become final and the deadlines~~time~~ for filing a notice of appeal and motion for new trial have~~has~~ passed, or appeal proceedings have terminated, but in no event sooner than ~~two (~~2~~)~~ years after the mandate issues or the appeal is otherwise terminated.

(d) If~~Where~~ no appeal is taken, after final judgment has been entered and the deadlines~~time~~ for filing a notice of appeal and a motion for a new trial have~~has~~

passed, or upon the filing of a stipulation waiving the right to appeal and to a new trial, any party may, upon ~~twenty- one (~~21~~)~~ days' prior written notice to all parties, withdraw any exhibit originally produced by it unless some other party or person files prior notice with the ~~C~~clerk of a claim to the exhibit. If ~~such~~ a notice of claim is filed, the ~~C~~clerk ~~shall~~ must not deliver the exhibit ~~except with the written consent of~~unless both the party who produced it and the claimant consent in writing, or until the ~~C~~court has determined who is~~the person~~ entitled ~~thereof~~to the exhibit.

(e) If exhibits are not withdrawn within ~~twenty-one (~~21~~)~~ days after the clerk notifies the parties to claim the exhibits, ~~notice by the Clerk to the parties to claim the same,~~ the ~~C~~clerk must~~shall, upon order of the Court,~~ destroy or otherwise dispose ~~make their disposition as the Court may direct of any such~~ of the exhibits as ordered by the court.

Committee Note

LCR 55-1 is amended as part of the general restyling of the rules.

~~LOCAL RULES~~ PART V – SPECIAL PROCEEDINGS AND APPEALS

LSR 1-1. MOTIONS FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*; APPLICATION STANDARD FORM~~.~~

Any person~~,~~ who is unable to prepay the fees in a civil case~~,~~ may apply to the ~~C~~court for authority to proceed *in forma pauperis*. The application must~~shall~~ be made on the form provided by the ~~C~~court and must~~shall~~ include a financial affidavit disclosing the applicant~~'~~'s income, assets, expenses, and liabilities.

Committee Note

LSR 1-1 is amended as part of the general restyling of the rules.

LSR 1-2. INMATES: ADDITIONAL REQUIREMENTS~~.~~

When submitting a~~A~~n application to proceed *in forma pauperis*, the ~~received from an~~ incarcerated or institutionalized person must~~shall be accompanied by~~simultaneously submit a certificate from the institution certifying the amount of funds currently held in the applicant~~'~~'s trust account at the institution and the net deposits in the applicant~~'~~'s account for the ~~six (six6)~~ months prior to~~eceding~~ the date of submission of the application. If the applicant has been at the institution for fewer~~less~~ than ~~six (six6)~~ months, the certificate must~~shall~~ show the account~~'~~'s activity for this~~such~~ shortened period.

Committee Note

LSR 1-2 is amended as part of the general restyling of the rules.

LSR 1-3. STANDARD FOR DENIAL OF *IN FORMA PAUPERIS* MOTION~~.~~

(a) A motion to proceed *in forma pauperis* may be denied, in the absence of exceptional circumstances, if the applicant~~'~~'s assets exceed the amount set by court order ~~of the Court~~.

(b) If the applicant has money or assets in an amount less than the minimum set by the ~~C~~court under~~pursuant to~~ this ~~R~~rule, the ~~C~~court may require the payment of a partial filing fee.

(c) If a partial filing fee is required, the court ~~applicant~~ may ~~, in the discretion of the Court, be~~ grant~~ed~~ additional time to pay ~~the filing fee~~it. Installment payments of a partial filing fee will not be accepted. In a civil ~~-~~-rights action, the applicant must pay the full partial filing fee before the ~~C~~court will order service of process. If the case is a petition or motion for post-conviction relief, the applicant must~~shall~~ be allowed to proceed *in forma pauperis* during the interim period before the partial filing fee is paid. An ~~The failure of the~~ applicant's failure to pay the fee before the expiration of the time granted will~~shall~~ be cause for dismissal of the case.

Committee Note

LSR 1-3 is amended as part of the general restyling of the rules and for clarity and brevity.

LSR 1-4. APPLICANT NEED ONLY FILE ORIGINAL COMPLAINT, PETITION, OR MOTION.

A plaintiff seeking *in forma pauperis* status mustshall submit to the Cclerk only the original of any petition or motion for post-conviction relief or civil rights complaint on forms approved by the Ccourt. Upon filing, the Clerk shall make copies of the petition or motion for post-conviction relief or civil rights complaint, and the motion for leave to proceed in forma pauperis, in order to provide a file-stamped copy of each document to the petitioner, movant or plaintiff and all respondents or defendants. No answer or responsive pleading is required unless ordered by the Ccourt.

Committee Note

LSR 1-4 is revised to delete the requirement that the clerk provide copies to the parties. Currently, the clerk does not provide copies under this rule because a pro se prisoner is not allowed to possess the financial statements attached to an application to proceed *in forma pauperis* in his or her cell. The other amendments are made as part of the general restyling of the rules.

LSR 1-5. REVOCATION OF LEAVE TO PROCEED IN *FORMA PAUPERIS*.

The Ccourt may, either on the motion of a party or sua sponte, after affording an opportunity to be heard, revoke leave to proceed *in forma pauperis* if the party to whom leave was granted becomes capable of paying the complete filing fee or the applicant has willfully misstated information in the motion and affidavit for leave to proceed *in forma pauperis*.

Committee Note

LSR 1-5 is amended as part of the general restyling of the rules.

LSR 1-67. ABUSE OF PRIVILEGE TO PROCEED *IN FORMA PAUPERIS*.

The Ccourt may limit an applicant's use of *in forma pauperis* status if the Ccourt finds that the applicant has abused the privilege to so proceed in this manner.

Committee Note

LSR 1-6 is amended as part of the general restyling of the rules and is renumbered.

LSR 1-78. EXPENSES OF LITIGATION.

The granting of an application to proceed *in forma pauperis* does not relievewaive the applicant of the's responsibility to pay the expenses of litigation whichthat are not covered by 28 U.S.C. § -1915.

Committee Note

LSR 1-7 is amended as part of the general restyling of the rules and is renumbered.

LSR 2-1. CIVIL-RIGHTS RIGHTS COMPLAINT UNDERPURSUANT TO 42 U.S.C. § 1983; PRO SE PLAINTIFF MUSTTO USE STANDARD FORM.

A civil--rights complaint filed by a person who is not represented by counsel mustshall be submitted on the form provided by this Ccourt.

Committee Note

LSR 2-1 is amended as part of the general restyling of the rules.

LSR 2-2. CHANGE OF ADDRESS.

The plaintiff mustshall immediately file with the Ccourt written notification of any change of address. The notification must include proof of service onupon each opposing party or the party''s attorney. Failure to comply with this Rrule may result in dismissal of the action with prejudice.

Committee Note

LSR 2-2 is amended as part of the general restyling of the rules.

LSR 3-1. PETITION FOR WRIT OF HABEAS CORPUS UNDERPURSUANT TO 28 U.S.C. §§ 2241 AND 2254.

A petition for writ of habeas corpus, filed by a person who is not represented by an attorney, mustshall be on the form provided by this Ccourt. If a petition for writ of habeas corpus is filed by an attorney on behalf of a person seeking relief, it mustshall be on the form supplied by the Ccourt or mustshall contain all of the information required in the model form for use in applications for habeas corpus under 28 U.S.C. § 2254 in the Appendix of Forms to the Rules Governing Section 2254 Cases in the United States District Courts.

Committee Note

LSR 3-1 is amended as part of the general restyling of the rules.

LSR 3-2. STATEMENT OF AVAILABLE GROUNDS FOR RELIEF.

A petition for writ of habeas corpus must include all grounds for relief that~~which~~ are available to the petitioner. A second or successive petition may be dismissed if the judge finds that:

(a) ~~(a)~~ It fails to allege new or different grounds for relief and a prior determination was on the merits~~,~~; or

~~;~~

(b) N~~If n~~ew and different grounds are alleged and ~~the judge finds that~~ the failure of the petitioner to assert those grounds in a prior petition constituted an abuse of the writ.

Committee Note

LRS 3-2 is amended as part of the general restyling of the rules.

LSR 4-1. MOTION ATTACKING SENTENCE ~~PURSUANT TO~~UNDER 28 U.S.C. § 2255; MOTION TO CORRECT OR REDUCE SENTENCE UNDER ~~PURSUANT TO~~ Fed. R. Crim. P. 35; PETITION FORM~~.~~

A motion to vacate sentence ~~pursuant to~~under 28 U.S.C. § 2255 or a motion to correct or reduce sentence ~~pursuant to~~under Fed. R. Crim. P. 35~~,~~ filed by a person who is not represented by an attorney~~,~~ must~~shall~~ be on the form provided by this ~~C~~court. If the motion for post-conviction relief is filed by an attorney, it must~~shall~~ be on the form supplied by the ~~C~~court or must~~shall~~ contain all of the information required in the model form for motions under 28 U.S.C. § 2255 in the Appendix of Forms to Rules Governing Section 2255 Proceedings in the United States District Courts.

Committee Note

LSR 4-1 is amended as part of the general restyling of the rules.

LSR 4-2. STATEMENT OF ALL AVAILABLE GROUNDS FOR RELIEF~~.~~

A motion for post-conviction relief must include all grounds for relief ~~whic~~that~~h~~ are available to the movant. A second or successive motion may be dismissed if the judge finds that:

(a) It fails to allege new or different grounds for relief and a prior determination was on the merits~~,~~; or~~,~~

(b) N~~If n~~ew and different grounds are alleged and ~~the judge finds that~~ the failure of the movant to assert those grounds in a prior motion constituted an abuse of the motion.

Committee Note

LRS 4-2 is amended as part of the general restyling of the rules.

LSR 5-1. DEATH PENALTY CASE~~;~~ CAPTION~~; FACSIMILE FILING.~~

~~(a)~~ In a death penalty case, the caption to any motion for leave to proceed *in forma pauperis*, petition for writ of habeas corpus, or motion for post-conviction relief must include ~~below the title of the document~~ the following caption below the title of the document: "DEATH PENALTY CASE."

~~(b) Papers may be filed with the Clerk by means of telephone facsimile machine ("fax") only in cases involving the death penalty as hereinafter provided:~~

~~(1) Documents that relate to stays of execution in death penalty cases may be transmitted directly to the fax machines in the Clerk's offices in Reno or Las Vegas for filing by the Clerk when counsel considers this will serve the interests of their clients;~~

~~(2) Counsel must notify the Clerk before transmitting any document by fax. On receiving the transmitted document, the Clerk shall make the number of copies required and file the photocopies. Any document transmitted directly to the Court by fax must show service on all other parties by fax or hand delivery; and,~~

~~(3) When a document has been transmitted by fax and filed pursuant to this Rule, counsel must file the original document and accompanying proof of service with the Clerk within seven (7) days of the date of the fax transmission.~~

Committee Note

Former subsection (b) of LSR 5-1 is deleted because facsimile filing is obsolete in light of the court's electronic filing system. The rule's title is amended to delete the reference to facsimile filing. The remaining amendments are made as part of the general restyling of the rules.

LSR 5-2. ADDITIONAL INFORMATION: SCHEDULED EXECUTION DATE~~.~~

In a death penalty case, the date of any scheduled execution must be included at the beginning of any motion for leave to proceed *in forma pauperis*, petition for writ of habeas corpus, or motion for post-~~-~~conviction relief.

Committee Note

LSR 5-2 is amended as part of the general restyling of the rules.

LSR 5-3. EVIDENTIARY HEARING: TRANSCRIPT~~.~~

In a death penalty case, the ~~C~~court must~~shall~~ order a transcript of any evidentiary hearing for purposes of appellate review.

Committee Note

LSR 5-3 is amended as part of the general restyling of the rules.

LSR 6-1. APPEAL BOND; NINTH CIRCUIT OR OTHER APPELLATE COURTS~~.~~

The appellant will not be required to file a bond or provide other security to ensure payment of costs on appeal in a civil case unless the ~~C~~court, on a motion or sua sponte, orders a cost~~such~~ bond or security and fixes its ~~the~~ amount ~~thereof~~.

Committee Note

LSR 6-1 is amended as part of the general restyling of the rules.

LSR 6-2. DESIGNATION AND PREPARATION OF REPORTER~~'S~~ AND RECORDER'~~'~~S TRANSCRIPTS~~.~~

~~It shall be the responsibility of the~~ The party filing the notice of appeal must~~to~~ identify by name the court reporter or recorder (or the recording~~tape~~ number when proceedings before the magistrate judge are recorded~~taped~~ without the presence of a reporter or recorder) when designating transcripts on appeal. If more than ~~one (~~one~~1)~~ court reporter or recorder reported matters designated, an~~a separate transcript designation and~~ ordering form must be completed for each court reporter or recorder and each ~~such~~ form must~~shall~~ specify which portions of the designated transcript a particular court reporter or recorder are~~shall be~~ responsible for transcribing. The ~~C~~clerk must~~shall~~ arrange for the transcription of any designated recordings~~tapes~~ of a magistrate judge'~~'~~s proceedings.

Committee Note

The references to tapes of proceedings before a magistrate judge are deleted because they are obsolete in light of digital recording. The rule's title is amended to correct a grammatical error. The remaining amendments are part of the general restyling of the rules.

LSR 6-3. CLERK'S RECORD ON APPEAL, DESIGNATION, AND COSTS OF REPRODUCTION~~.~~

(a) The ~~C~~court has delegated to the ~~C~~Clerk of ~~C~~Court the authority to determine when the original ~~C~~clerk's record or any part of it~~thereof~~ is required to be kept for use in the ~~D~~district ~~C~~court. When the ~~C~~clerk ~~of Court~~ determines that some or all of the record will be retained, the ~~C~~clerk will provide notice to all parties~~,~~ and ~~will provide the parties with~~give them an opportunity to designate which parts of the record should be reproduced for transmission to the Court of Appeals.

(b) The appellant will pay the costs of reproducing the designated documents~~,~~ unless:

(1) The appellant is authorized to appeal *in forma pauperis*,~~:~~ or~~,~~

(2) A cross appeal is filed and the ~~C~~court transmits a "joint" record. The costs~~ross~~ of reproduction must~~shall~~ be borne equally by the appellant(s) and cross appellant(s).

Committee Note

LSR 6-3 is amended as part of the general restyling of the rules.

END